

BUTLER COUNTY, KANSAS

ENVIRONMENTAL HEALTH SANITARY CODE

**As Amended
By**

BOARD OF BUTLER COUNTY COMMISSIONERS

Through

**Resolution 11-31
on
October 11, 2011**

Copy certified as to accuracy and content as of 11/04/2011

**By
Rod Compton, AICP, Planning & Development Director**

APPROVED

SEP 14 2011

**Kansas Department of
Health and Environment**

TABLE OF CONTENTS

CHAPTER I. POLICY, ADMINISTRATION AND ENFORCEMENT.....	1
ARTICLE 1: GENERAL PROVISIONS.....	1
Section 1. <u>Title</u>	1
Section 2. <u>Legal Authority</u>	1
Section 3. <u>Findings and Declaration of Policy</u>	1
Section 4. <u>Purpose</u>	1
Section 5. <u>Jurisdiction and Application</u>	2
Section 6. <u>Public Health Jurisdiction and Application</u>	2
Section 7. <u>Severability</u>	2
Section 8. <u>Disclaimer of Liability</u>	2
Section 9. <u>Amendments and Additions</u>	2
Section 10. <u>Repeal and Supersede Effect</u>	3
Section 11. <u>Effective Date</u>	3
ARTICLE 2: ADMINISTRATION.....	4
Section 1. <u>Administering Authority</u>	4
Section 2. <u>Administrative Actions and Decisions</u>	4
Section 3. <u>Interpretation of Terms or Words</u>	4
Section 4. <u>Definitions</u>	5
Section 5. <u>Technical and Scientific Terms</u>	8
Section 6. <u>Vested Interests</u>	8
Section 7. <u>Compatibility With Other Laws</u>	8
ARTICLE 3: PERMITS AND LICENSES.....	9
Section 1. <u>Permits and Licenses Required</u>	9
Section 2. <u>Application Forms and Procedures</u>	9
Section 3. <u>Permit Issuance; Investigations</u>	10
Section 4. <u>Permit Conditions</u>	10
Section 5. <u>Standard Fees</u>	11
Section 7. <u>Administration of State Requirements</u>	12
ARTICLE 4: INSPECTIONS AND INVESTIGATIONS.....	14
Section 1. <u>Inspections Required</u>	14
Section 2. <u>Inspection Reports</u>	14
Section 3. <u>Inspection Scheduling and Re-inspections</u>	15
Section 4. <u>Access and Right of Entry</u>	15
Section 5. <u>Property Resale, Courtesy Inspections</u>	15
ARTICLE 5: ENFORCEMENT PROCEEDINGS.....	16
Section 1. <u>Emergency Orders</u>	16
Section 2. <u>Suspension of Permit or License</u>	16
Section 3. <u>Revocation of Permit or License</u>	17
Section 4. <u>Abatement of Nuisances</u>	17
ARTICLE 6: APPEALS.....	18
Section 1. <u>Appeal for Hearing</u>	18
Section 2. <u>Hearing Officer</u>	18
Section 3. <u>Conduct of Hearing</u>	18

APPROVED

SEP 14 2011

Section 4.	<u>Decision.</u>	18
Section 5.	<u>Proceedings of Hearings.</u>	18
Section 6.	<u>Application of State Law Procedures.</u>	19
ARTICLE 7:	VIOLETIONS AND PENALTIES	20
Section 1.	<u>Unlawful Conduct.</u>	20
Section 2.	<u>Penalties.</u>	21
Section 3.	<u>Prosecution.</u>	21
CHAPTER II:	SEWAGE DISPOSAL	22
ARTICLE 1:	GENERAL PROVISIONS.	22
Section 1.	<u>Purpose.</u>	22
Section 2.	<u>Scope.</u>	22
Section 3.	<u>Requirement for Subdivision Development.</u>	22
Section 4.	<u>Definitions.</u>	22
Section 5.	<u>Rules of Application.</u>	25
Section 6.	<u>Variances.</u>	27
Section 7.	<u>Rule Exceptions.</u>	27
ARTICLE 2:	PUBLIC / SEMI-PUBLIC SEWAGE DISPOSAL SYSTEMS.	30
Section 1.	<u>Regulation of Municipal or Public District Systems.</u>	30
Section 2.	<u>Policy Regarding Public Sewage Disposal Systems.</u>	30
Section 3.	<u>Types of Public Wastewater Disposal Systems.</u>	30
ARTICLE 3:	PRIVATE SEWAGE DISPOSAL SYSTEM.	31
Section 1.	<u>Types.</u>	31
Section 2.	<u>Proper Maintenance and Operation.</u>	31
Section 3.	<u>Location of a Private Sewerage or Private Sewage Disposal System Within Fifty Feet of Well</u>	32
Section 4.	<u>Connections to Public Sewage Disposal Systems.</u>	32
Section 5.	<u>Repairs and Corrections.</u>	32
Section 6.	<u>Location of Private Wastewater Systems Below Flood/Full Pool.</u>	33
Section 7.	<u>Location of Private Wastewater Disposal Systems Within a 100-Year-Floodway, and Floodway Fringe.</u>	33
ARTICLE 4:	REGULATIONS FOR SEPTIC TANKS	34
Section 1.	<u>Permits Required.</u>	34
Section 2.	<u>General System Requirements.</u>	34
Section 3.	<u>Application Procedure.</u>	35
Section 4.	<u>Field Data Requirements.</u>	35
Section 5.	<u>Plans and Specifications.</u>	36
Section 6.	<u>Inspection Required for System Approval.</u>	36
Section 7.	<u>Construction Specifications.</u>	38
Section 8.	<u>Applicable Building Codes.</u>	42
ARTICLE 5:	REGULATIONS FOR MOUND SYSTEMS	43
Section 1.	<u>Permits.</u>	43
Section 2.	<u>Permit Qualification.</u>	43
Section 3.	<u>General Requirements and Standards.</u>	43
Section 4.	<u>Design.</u>	43
ARTICLE 6:	REGULATIONS FOR COMPOSTING TOILETS	44
Section 1.	<u>Permit.</u>	44

APPROVED

SEP 14 2011

Section 2.	<u>Construction Standards.</u>	44
Section 3.	<u>Maintenance.</u>	44
ARTICLE 7:	REGULATIONS FOR HOLDING TANKS	45
Section 1.	<u>Scope.</u>	45
Section 2.	<u>Authorized Usage.</u>	45
Section 3.	<u>Permit Required.</u>	45
Section 4.	<u>Permit Qualifications.</u>	45
Section 5.	<u>General Requirements.</u>	46
Section 6.	<u>Standards and Specifications.</u>	46
Section 7.	<u>Changes in Use.</u>	47
ARTICLE 8:	REGULATIONS FOR WASTE STABILIZATION PONDS	48
Section 1.	<u>Permit Required.</u>	48
Section 2.	<u>Lagoon Design Requirements.</u>	48
Section 3.	<u>Lagoon Separation Distances.</u>	50
ARTICLE 9:	REGULATIONS FOR OTHER SYSTEMS	51
Section 1.	<u>Approval.</u>	51
Section 2.	<u>Permit Required.</u>	51
Section 3.	<u>Permit Qualifications.</u>	51
ARTICLE 10:	REGULATIONS FOR INSTALLER	52
Section 1.	<u>License Required.</u>	52
Section 2.	<u>License Term and Renewal.</u>	52
Section 3.	<u>Standard of Performance.</u>	52
Section 4.	<u>Continuation Training.</u>	52
Section 5.	<u>Installation Bonds.</u>	53
Section 6.	<u>Certificate of Insurance.</u>	53
Section 7.	<u>Code Compliance.</u>	53
Section 8.	<u>License Revocation.</u>	53
ARTICLE 11:	REGULATIONS FOR SANITARY DISPOSAL CONTRACTORS	54
Section 1.	<u>License Required.</u>	54
Section 2.	<u>License Term and Renewal.</u>	54
Section 3.	<u>Standard of Performance.</u>	54
Section 4.	<u>License Revocation.</u>	55
ARTICLE 12:	REGULATIONS FOR DESIGNER	56
Section 1.	<u>License Required.</u>	56
Section 2.	<u>License Term and Renewal.</u>	56
Section 3.	<u>Standard of Performance.</u>	56
Section 4.	<u>License Revocation.</u>	56
CHAPTER III:	WATER SUPPLY	57
ARTICLE 1:	WATER SUPPLIES	57
Section 1.	<u>Purpose and Intent.</u>	57
Section 2.	<u>Area of Applicability.</u>	57
Section 3.	<u>Compliance Required.</u>	57
Section 4.	<u>Definitions.</u>	57
Section 5.	<u>Requirements for Public Water Supplies.</u>	59
Section 6.	<u>Requirements for Semi-Public Water Supplies.</u>	59
Section 7.	<u>Use of a Semi-Public Water Supply.</u>	59

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 8.	<i>Requirement for Private Water Supplies.</i>	60
Section 9.	<i>Minimum Standards for all Groundwater Supplies.</i>	61
Section 10.	<i>Appeals.</i>	62
CHAPTER IV: NUISANCES		
ARTICLE 1: GENERAL PROVISIONS		
Section 1.	<i>Purpose</i>	63
Section 2.	<i>Abatement</i>	63
Section 3.	<i>Emergency Order</i>	63
Section 4.	<i>Definitions</i>	63
Section 5.	<i>Conditions of Nuisances</i>	66

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

CHAPTER I. POLICY, ADMINISTRATION AND ENFORCEMENT

ARTICLE 1: GENERAL PROVISIONS

Section 1. Title.

This Code shall be known and referred to as the Butler County Environmental Health Sanitary Code.

Section 2. Legal Authority.

This Code is adopted under the authority granted to the Board of County Commissioners under application of Federal Law and the laws of the State of Kansas, including K.S.A. 19-3701 et seq., as amended, and pursuant to the powers and authorities of the Board of County Commissioners under K.S.A. 19-101a; and Sec. 5 of Article 12 of the Kansas Constitution and by K.S.A. 12-3301 et seq., if adopted by any city in Butler County.

Section 3. Findings and Declaration of Policy.

A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare as well as the economical and planned development of the land and water resources of the County. Consequently, the Board of County Commissioners hereby finds, determines, and declares that it is necessary to adopt a uniform system of rules, regulations and standards to eliminate and prevent environmental conditions that are or may be hazardous to the public health, safety and welfare and to thereby promote the safe, economical and orderly development and conservation of the land and resources of the County.

Section 4. Purpose.

The purpose of this Code is:

- (a) To promote the public health, safety, comfort and well-being of the public; and
- (b) To prescribe the procedures to be followed in administering this Code; and
- (c) To prescribe rules, regulations, standards and enforcement procedures to minimize, control or eliminate potential or actual sources or causes of disease, infection, contamination or pollution; and
- (d) To protect the integrity of water, air, soil, and natural resources, including aquatic biota, flora, fauna, and wildlife through the prevention of pollution and

APPROVED

SEP 14 2011

degradation of the environment by regulation of activities which may affect environmental conditions.

Section 5. Jurisdiction and Application.

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated area of Butler County, Kansas, and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Butler County, Kansas and outside the municipal boundaries of any city, unless otherwise exempted by K.S.A. 19-3701 et seq.

Section 6. Public Health Jurisdiction and Application.

This Code and any or all rules, regulations, restrictions and requirements shall apply to and throughout all areas of Butler County, Kansas, including those areas located within the municipal boundaries of any city, whenever authorized or required under application of the Laws of the State of Kansas or of the United States, whether by statute, contract, rule or regulation, or pursuant to the jurisdiction of the Butler County Board of Commissioners.

Section 7. Severability.

If any clause, sentence, paragraph, section or subsection of this Code shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.

Section 8. Disclaimer of Liability.

This Code shall not be construed or interpreted as imposing upon the County, or its officials or employees: (1) any liability or responsibility for damages to any property; or (2) any warranty that any installation, system, or portion thereof that is constructed or repaired under permits or inspections required by this Code will function properly. In addition, any employee charged with the enforcement of this Code, who acts in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage which may occur to any person or property as a result of the discharge of his or her duties.

Section 9. Amendments and Additions.

This Code may be supplemented or its provisions may be amended by Resolution adopted by the Board of County Commissioners, after notice and hearing, as required by law, and any such amendments or additions shall be incorporated within and codified as a part of this Code. Any changes, modifications or additional provisions adopted and imposed by State or Federal law, rule or regulation which are applicable to and administered through the jurisdiction of Butler County, Kansas, shall be incorporated

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

within and made a part of this Code, with or without notice and hearing, as authorized or required by State or Federal law.

Section 10. Repeal and Supersede Effect.

This Code shall supersede any and all previously adopted resolutions or regulations, which are, in whole or in part, in conflict with any provision of this Code, where applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

Section 11. Effective Date.

This Code shall become effective from and after the date of adoption by the Board of County Commissioners and publication of notice as required by law.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 2: ADMINISTRATION

Section 1. Administering Authority.

Unless otherwise specifically designated within a separate and particular Chapter or Article of this Code, the Administrative Agency designated by the Board of Butler County Commissioners shall have the primary authority and responsibility for the administration of this Code.

Under the authority of any particular Chapter or Article of this Code, Administrative Agency may implement such administrative procedures, consistent with this Code, as deemed necessary for the effective administration of any regulations or which may be required or imposed under application of the laws of the State of Kansas or the United States.

Section 2. Administrative Actions and Decisions.

It is the intent of this Code to establish regulations and standards for the protection of the public health and safety. To the extent possible, all administrative actions and decisions required or authorized for the administration of this Code shall be made solely in accordance with the standards enumerated in the Code. Whenever, in the course of administration, it is necessary to make an administrative decision or take action for which standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code so that the result will best serve the public health and safety.

Section 3. Interpretation of Terms or Words.

All terms and words used in this Code shall be interpreted and given meaning according to their common understanding and to provide reasonable application of the purpose and intent of the Code. Whenever the context requires, in the application of this Code, the terms and phrases used shall be interpreted in the following manner:

- A. Words appearing in the singular number shall include the plurals, and those appearing in the plural shall include the singular.
- B. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present tense and past tense.
- C. Words appearing in the masculine gender shall include the feminine and neuter genders.
- D. The word "shall" is mandatory; the word "may" is permissive.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- E. The phrase “this Code” shall refer to the Code and all authorized rules, regulations, restrictions and requirements, and the phrase “the regulations” shall include rules, regulations, restrictions and requirements authorized by the Code.

Section 4. Definitions.

The following words, terms and phrases appear throughout this Code and, thus, have general application and usage. Words, terms and phrases appropriate or applicable to specific Chapters within this Code are defined, where necessary, within those Chapters. Unless the context requires or specifies otherwise, the following words, terms or phrases as used in this Code shall be given the meaning defined in this Section.

- A. Access: Entry into or upon any real estate, structure or vehicle including any part thereof.
- B. Administrative Agency: The Butler County Planning & Development Department, or any other agency or department designated by the Board of Butler County Commissioners to be responsible for administering and/or enforcing the provisions of the Sanitary Code.
- C. Administrative Rules: Any regulation adopted by the administrative agency, which the agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
- D. Agricultural Purpose: A land use in excess of forty (40) acres or more related to the production of livestock or crops, including growing crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, as provided by Butler County zoning regulations, but does not include any structure used as a dwelling or the sewage disposal or water well system servicing such dwelling. “A purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a consumer who cultivates, plants, propagates, or nurtures the agricultural products.”
- E. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.
- F. Application: The application form provided by the administrative agency, including the filing fee and any other supporting documents required by the agency.
- G. Authorized Representative: A person who is designated by the administrative agency to administer the provisions of this Code or any Chapter therein.
- H. Board of Health: The Board of County Commissioners acting as the Board of Health.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- I. Board of County Commissioners: The Board of County Commissioners of Butler County, Kansas.
- J. Composting Toilet: "A self-contained toilet system using little or no water designed to decompose human wastes through microbial action (composting) and store the resulting material for further treatment and/or disposal.
- K. Domestic Sewage: Sewage originating primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage-grinding, toilets, baths, showers, and sinks.
- L. Effluent: The liquid waste discharged from a sewage disposal system.
- M. Planning & Development Director: The legally appointed Planning & Development Director of Butler County, appointed in accordance with the Butler County Position Classification and Pay Plan.
- N. Engineer: A licensed professional civil engineer and registered with the State of Kansas.
- O. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
- P. Flood Plain: Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence in any given year.
- Q. Ground Water Table: The upper surface of a ground water in the zone of saturation of a geologic formation.
- R. Hearing Officer: Any person designated in this Code, or by an administering agency, to hear appeals from decisions made by an agency representative relating to the enforcement and administration of this Code.
- S. Industrial and Commercial Wastes: Any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage. Uses involving industrial or commercial wastewater must comply with regulations involving industrial and commercial wastes as approved and permitted by the Kansas Department of Health and Environment.
- T. Industrial and Commercial On-Site Wastewater System: Federal law prohibits Discharge of industrial or commercial waste to a soil absorption system.
- U. Law. Includes Federal, State, and local statutes, ordinances, regulations and resolutions.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- V. On-Site Wastewater System: Any approved domestic wastewater collection and treatment system not discharging into Kansas streams or waterways and not required to hold a Kansas Department of Health Water Pollution Control Permit.
- W. Permit: The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.
- X. Person: An individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity.
- Y. Point Source: any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged.
- Z. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface), or contamination of food or foodstuffs.
- AA. Premises: Any lot or tract of land and all buildings, structures or facilities located thereon.
- BB. Private Sewage Disposal System: A wastewater collection and treatment system designed exclusively for the use of a single residential structure or commercial structure solely for domestic sewage not discharging into a stream or waterway.
- CC. Sanitary Sewage System: Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of sewage.
- DD. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulations or limitation.
- EE. Sewage: A combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling building, or other establishment.
- FF. Sewer District: Any County-operated sewer municipal system duly formed, authorized and empowered to plan construct and operate a public sewer system in accordance with K.S.A. 19-27a01
- GG. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of sale, lease or financing of development, either on the installment plan

APPROVED

SEP 14 2011

or upon any and all other plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.

HH. Wastewater: Liquid or water carrying pollutants or water contaminants from industrial, municipal, agricultural or other sources.

Section 5. Technical and Scientific Terms.

Unless otherwise defined, any technical or scientific term used within this Code or within any rule, regulation, restriction or requirement shall be given the meaning most commonly known and applied within the appropriate literature of manuals applicable for that science, industry or technological skill.

Section 6. Vested Interests.

Nothing contained in this Code or any regulations shall be deemed or construed to grant any vested interest or protected right to any person beyond the express limited terms of any permit or ruling issued under this Code, and the Code and regulations are expressly declared to be subject to amendment, change, or modification.

Section 7. Compatibility With Other Laws.

Nothing contained in this Code or any regulations shall be deemed to alter or modify the application of any other laws, codes or regulations which are or may be applicable to the property, use, business activity or other object or matter regulated under this Code, and any permit, approval or other condition given or acknowledged under this Code shall be limited in effect to the requirements of this Code and shall not, under any circumstance, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 3: PERMITS AND LICENSES

Section 1. Permits and Licenses Required.

No person shall conduct, carry-on or perform any business or activity identified in this Section without first having obtained a valid permit in conformance with the requirements of this Code.

- A. Private Sewage Disposal System - Permit Required. Every person who installs, removes, alters, repairs or replaces or causes to be installed, removed, altered, repaired or replaced any private sewage disposal system or part thereof shall, prior to commencement of any work, apply for and obtain a permit to perform such work, and no private sewage disposal system shall be installed, removed, altered, repaired or replaced except pursuant to a permit issued under this Article.
- B. Installer - License Required. Every person who conducts the activity of an Installer as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid Installer's license to perform that activity.
- C. Designer - License Required. Every person who conducts the activity as a designer of public sewer systems under this Code shall be licensed and registered with the Board of Technical Professions in the State of Kansas.
- D. Sanitary Disposal Contractor - License Required. Every person who engages in or conducts the activity of a Sanitary Disposal Contractor, as defined in Chapter II of this Code, shall apply for, obtain, and maintain a valid license to perform that activity.

Section 2. Application Forms and Procedures.

- A. Content: Application for a permit or license shall be made on forms provided for that purpose. The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, and, if appropriate, the locations, ownership, occupancy, and use of the premises in connection therewith. The administering agency shall require plans, specifications or drawings and such other information as deemed necessary. Plans for all public sewer systems shall be stamped with an engineer's seal.
- B. Filing: An application for any permit or license required under this Code shall be filed with the Administrative Agency responsible for administering and enforcing the Sanitary Code.
- C. Verification: An application for a permit must be signed by the person for whose benefit the permit is being required or his or her authorized representatives. The administering agency may require proof of such authorization.

APPROVED

SEP 14 2011

- D. Compliance: The applicant shall be responsible for compliance with the permit requirements as further set out in this Code. Only a person who complies with the requirements of this Code shall be entitled to receive or retain a permit or license.

Section 3. Permit Issuance; Investigations.

If the administrative agency determines that the application complies with the requirements of this code, a permit shall be issued.

In making its determination on whether to issue a permit the administrative agency shall perform or cause to be performed an inspection to determine compliance with this Code.

Within two (2) days, Saturdays, Sundays and holiday excepted, after receipt of an application for a permit, the administrative agency shall begin such investigations and inspections as it shall deem necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within ten (10) working days of receipt of the application provided all requirements for soil profile, percolation tests, site assessment, system designs, and license qualifications have been completed. If the application is denied, the agency shall give the applicant written reason for denial.

It shall be the duty of the person performing the work authorized by a permit to notify the administrative agency when work is ready for any required inspection. Such notification shall be given not less than eight (8) hours during normal office hours before the work is to be inspected.

Section 4. Permit Conditions.

Every permit and license issued under this Code shall be subject to the terms and conditions specified in this Section.

- A. Right of Access: Application for, and acceptance of, any permit issued under this Code shall grant to any inspector, code or law enforcement officer, and any representatives of the administrative agency the right to enter upon any property subject to the permit, at any reasonable time during standard business hours, with or without notice, for the purpose of inspection to determine and ensure qualifications for and compliance with the permit, and shall allow for reasonable access to and review of records, property or other materials necessary to perform the inspection.
- B. Authorized Activity: Each permit or license issued under the authority of this Code shall be limited to and expressly provide for the type and manner of activity permitted for the holder and shall not be used nor applied for any other purpose, type or manner of activity. The permit or license issued shall specifically refer to the activity description contained within the permit or license application, and any

APPROVED

SEP 14 2011

change in the type, manner, scope or location of any activity shall require application for and modification of the permit or license.

- C. Permit Non-Transferable: No permit or license required by this Code shall be transferable to another person or premises, and the holder of the permit or license shall notify the administering agency prior to any change in ownership or location of any permitted or licensed activity.
- D. Term Expiration: Each permit or license issued under the authority of this Code shall clearly state the date of issuance, the term of the permit or license, and the expiration date. The term of each permit or license issued under this Code shall be for a period not to exceed one (1) year, unless otherwise specified.
- E. Renewal: Any permit or license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with the Administering Agency on a form authorized for that purpose. No permit or license which has been expired for more than thirty (30) days or which is subject to revocation, for any reason, may be renewed, and such permits or licenses may be reissued only upon the filing of a complete application for a new permit or licensee.
- F. Errors and Omissions: The issuance of a permit or license shall not prevent the administering agency from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on thereunder when such activity would be in violation of this Code or of any other code or resolution or from revoking any permit or license when issued in error.

The Director of the Administrative Agency may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information provided by the applicant.

Section 5. Standard Fees.

For the purpose of defraying all or part of the cost of administration of this Code and to assist in the regulation of matters affecting the public health, there shall be imposed a standard fee for and upon the issuance and administration of any permit or license under this Code. Said fee shall be set by resolution of the Board of Butler County Commissioners.

- A. Multiple Uses or Services: Whenever any person conducts more than one activity or whenever more than one activity is conducted at a single property or establishment, the fee imposed under the schedule for each separate permitted or licensed activity shall be assessed and paid as required.
- B. Fee Payment: The fee imposed under this Code shall be paid by the applicant prior to the issuance of any permit or license authorized by the Code and all

APPROVED

SEP 14 2011

annual fees shall be paid prior to the anniversary or expiration date of any permit or license.

- C. Failure to Pay: Failure to pay any fee imposed by this Code may be cause for suspension or revocation of any permit or license.
- D. Double Fee for Unauthorized Practices: Any person who shall commence any activity for which a permit is required by this Code without first having obtained the permit shall, if subsequently allowed to obtain a permit, pay double the permit fee fixed by this section for such activity; provided, however, that this provision shall not apply to emergency work when such work was urgently necessary to protect public health and safety and it was not practical to obtain a permit before commencement of such emergency work. In all such cases, a permit must be obtained as soon as possible after the performance of such work, and if there is a delay of more than three (3) working days in obtaining such permit, a double fee as herein provided shall be charged.
- E. Adjustments to Fee Schedule: The fees imposed under this Code may be adjusted or changed by Resolution adopted by the Board of County Commissioners, after publication notice and hearing, and upon adoption, the adjusted fees shall be appended to this Code.

Section 6. Supplemental to State Regulations.

The permits or license, and all fees, conditions and regulations imposed under this Article or any other Article of this Code shall be supplemental to and in addition to any permits, licenses, fees or regulations imposed or required by any other law, including those administered by the Kansas Department of Health and Environment.

Section 7. Administration of State Requirements.

In the event that any rules, regulations or requirements arising under the Laws of the State of Kansas are assumed or administered through the jurisdiction of the Board of County Commissioners by the Administrative Agency acting under any lawful executive or administrative order or pursuant to a contract agreement, whereby the jurisdiction of any state authority is delegated to or administered by the Administrative Agency, then any permit or license issued or issuable by the State authority shall apply and shall satisfy the permit or license requirements imposed by this Article subject to the following conditions and exceptions:

- A. Permit or License Fees: The permit or license fees imposed by this Article, Section 5, shall apply and be required for payment if greater than or equal to any state imposed fees. The state-imposed fee shall apply whenever it is greater, but only one fee shall be imposed and required for payment.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- B. Conflict in Regulations or Requirements: All rules, regulations, restrictions, and requirements of this Code shall remain in effect and shall apply to any activity or condition covered by this Code except when in direct conflict with a provision of the State rules or regulations, in which case the state-imposed rule or regulation shall apply. Terms and conditions, rules, requirements, regulations or limitations which are supplemental to those imposed by the State and which are not specifically or expressly excluded or prohibited shall not be considered conflicting and shall be imposed and in effect.
- C. Additional Regulations: Rules, regulations and requirements applicable to any conduct, activity, condition or standard which is not expressly regulated by the state law operation but which is regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Butler County, Kansas.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 4: INSPECTIONS AND INVESTIGATIONS

Section 1.

Inspections Required.

Physical site inspections shall be authorized and performed for all permitted or licensed activities under this Code.

- A. Construction Activity: Whenever plans and specifications are required by this Code to be submitted to the administering agency of the Butler County Environmental Health Sanitary Code as part of a permit application, the agency shall inspect the premises prior to the start of operations to determine compliance with the approved plans and specifications and with any other requirements of this Code.
- B. Private Sewage Disposal Systems: Private sewage disposal systems shall be inspected by the Administrative Agency prior to being placed in operation to ensure compliance with this Code. Such systems shall be inspected thereafter as often as necessary to ensure compliance with this Code.
- C. Industrial/Commercial On-Site Wastewater Systems: Each industrial or commercial on-site wastewater system hereafter permitted shall be inspected at least once annually to ensure compliance with this Code, and shall be subject to annual renewal, upon inspection, of the operating permit.
- D. Repairs and Replacements: Any replacement of or repair to a private sewage disposal system regulated by this Code, other than normal maintenance, which constitutes a structurally significant alteration shall be inspected prior to undertaking and completing the repairs and replacements.
- E. Minor Repairs and Emergencies: All minor repairs, as defined in Chapter II of this Code, require inspections. Minor repairs which are conducted during normal business hours require pre-notification to the Administrative Agency. Emergency repairs conducted during evening hours or on the weekend require notification to the Administrative Agency within twenty-four (24) hours.

Section 2.

Inspection Reports.

A written inspection report shall be made for all inspections conducted under the authority of this Code, stating the name of the inspector, the date and time of the inspection, the type of inspection and the property inspected. The report shall enumerate all findings made during the inspection and indicate compliance or non-compliance with the approved system design.

Whenever a private sewage disposal system is inspected after a permit is issued, the findings of the inspector shall be recorded; the inspection report shall describe any determined violations; the Code section violated; and the correction to be made. A copy

APPROVED

of the completed report shall be issued to the owner of the premises and, if different than the owner, to the holder of the permit. The report is a public document.

Section 3. Inspection Scheduling and Re-inspections.

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or for correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the operator of the establishment to promptly notify the administering agency and schedule the time and date for the inspection.

A re-inspection fee may be assessed if the work for which inspection is scheduled is not then complete or if the corrections required are not then made and a subsequent inspection is required.

Section 4. Access and Right of Entry.

The administrative agency shall have the right to make inspections of establishments, premises, places and localities for the purpose of determining compliance with this Code. Inspections shall be done at a reasonable time. The agency may examine the water usage records of any establishment which uses a private sewage disposal system for information pertaining to the amount of water used by the establishment.

If the building, premises or establishment to be inspected is occupied, the agency representative shall first present proper identification and request entry; if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, to request entry. If entry is refused, the agency shall have recourse to all remedies provided by law to secure entry.

The administrative agency shall have reasonable access to the business records of any person licensed to perform any activity under this Code where the records, daily logs, or other documents are reasonably necessary to determine compliance with the requirements of this Code.

Section 5. Property Resale, Courtesy Inspections.

Whenever any property connected to, or served by, a private sewage disposal system is offered for or subject to a contract of sale, upon the request of the property owner or contract buyer, the administrative agency may provide a courtesy inspection, to inspect and determine the condition of the system. Any inspection provided under this section shall be performed as a courtesy only and shall not constitute nor be deemed a warranty, and neither the administrative agency nor any other official of the County shall be liable for any failures of the system or for other claims arising out of the inspection. Upon completion of the inspection, a certificate shall be issued to the property owner reporting the results, but issuance of the certificate shall not relieve any person of compliance with the requirements of this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 5: ENFORCEMENT PROCEEDINGS

Section 1.

Emergency Orders.

The Director of the Administrative Agency, or other authorized code enforcement officer or representative of the administrative agency, may issue such orders or directives as he deems necessary upon a determination that such action is required to prevent, contain or eliminate an obvious violation of this Code or an imminent threat to the health or safety of the public.

- A. Health Risk: Whenever a duly appointed representative of the administrative agency determines that a condition exists which requires immediate action to protect public health, he or she may, without prior notice or hearing, issue an emergency order stating the nature of the threat to public health and directing that action be taken as he may deem necessary to eliminate or minimize such condition. Notwithstanding any other provisions of this Code, such order shall be effective immediately upon issuance and shall be reduced to writing as soon as practicable.
- B. Work Stoppage: Whenever any work is being performed on a private sewage disposal system contrary to the provisions of this Code, the administrative agency representative may order the work stopped immediately by issuing an emergency order and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop work until authorized by the agency to proceed with the work.
- C. Compliance: Any person to whom an emergency order is directed shall comply therewith immediately, but upon written request filed within five (5) days of issuance, shall be afforded a hearing before a Hearing Officer as soon as possible. Such a hearing shall be held within ten (10) days of the issuance of such emergency order.

Section 2.

Suspension of Permit or License.

The administrative agency may suspend any permit or license that it issues if the holder thereof does not comply with the requirements of this Code. The suspension shall become effective ten (10) days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit, receives written notice of such suspension. The holder or other aggrieved party may request a hearing in accordance with Article 6 of this Chapter. After a hearing, the Hearing Officer may uphold the suspension as originally ordered or modify it as he sees fit, but in no event shall he enter an order of suspension for a period longer than that set out in the original order. Both the original order and any order entered after an appeal may condition the length of suspension upon correction of the conditions upon which the suspension is based.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 3. Revocation of Permit or License.

The administrative agency may revoke a permit or license for serious or repeated violations of any of the requirements of this Code or for interference with the administering agency in the performance of its duties.

Prior to revocation, the administrative agency shall notify, in writing, the holder of the license or permit, or the person in charge of the establishment or premises subject to the permit, of the specific reason(s) for which the permit or license is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit or license within the 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

Whenever a revocation of a license or permit has become final, the holder of the revoked permit or license may make written application for a new permit or license and pay the fee required.

Section 4. Abatement of Nuisances.

The administrative agency may maintain a civil action by injunction or a criminal misdemeanor action, in the name of the Board of County Commissioners of Butler County, in which this Code is applicable, to abate and enjoin a nuisance.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 6: APPEALS

Section 1. Appeal for Hearing.

Except as otherwise provided in Article 5 of this Chapter, any person aggrieved by any notice, final order, or denial of a permit or license by the administrative agency may request a hearing on the matter before the Hearing Officer appointed by the administrative agency if such person files with the agency within ten (10) days after the date of issuance of the notice, order, or denial a written request for a hearing setting forth the grounds on which the request is made. The filing of the request of hearing shall operate as a stay of any notice or order except an emergency order.

Section 2. Hearing Officer.

Every administrative agency shall designate, in writing, one or more officials to act as that agency's hearing officer to hear appeals under this Code. The officer may be an employee of the agency but shall not be the person who, in the name of that agency, made the determination or issued the order upon which the appeal is based.

Section 3. Conduct of Hearing.

Upon receipt of the appeal request, the Hearing Officer shall set a time and place for a hearing, and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the request for hearing was filed; provided, that upon request of the aggrieved party the hearing may be postponed for a reasonable time beyond such 10-day period.

A record shall be made at the hearing, and the aggrieved party may be represented by counsel or other authorized person. The administrative agency shall have the burden to sustain any notice, final order, or other decision subject to the appeal.

Section 4. Decision.

Within ten (10) days after the conclusion of the appeal hearing, the Hearing Officer shall issue a written decision to the petitioning party. That decision may sustain, modify or deny the decision of the agency.

Section 5. Proceedings of Hearings.

A summary of all proceedings of hearings, including the findings and the decision of the Hearing Officer, together with a copy of every notice and order related thereto, shall be filed with the administering agency.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 6.

Application of State Law Procedures.

The appeal of any final decision or action of the administrative agency which is taken under the authority of a state administrative agency in application of the laws of the State of Kansas shall be subject to and conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq., and the provisions of that Act shall supersede any and all time limitations and procedures otherwise specified in this Code.

The Kansas Administrative Procedures Act shall not apply to any proceeding arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 7: VIOLATIONS AND PENALTIES

Section 1.

Unlawful Conduct.

The following acts shall be unlawful:

- A. Obstruction of Administering Agency: No person shall willfully impede or obstruct a representative of an administrative agency in the discharge of his official duties under the provisions of this Code.
- B. Operation without a Permit or License: No person shall do any act or engage in any activity for which a permit or license is required by this Code unless first obtaining such permit or license.
- C. Failure to Comply with Emergency Order: No person shall fail or refuse to comply with an emergency order of an administrative agency issued under Article 5 of this Chapter.
- D. Failure to Comply with Permit or License: No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.
- E. Failure to Comply with Regulations: No person shall do any act or engage in any activity which is regulated by any Article, Section or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulations specified in this Code.
- F. Falsification and Misrepresentation: No person shall falsify nor misrepresent any fact, information, product or data provided, required or submitted for any application, permit, license, inspection, examination, investigation, report, record, test or other determination required under this Code.
- G. Improper Discharges: No person shall cause nor permit any wastewater or sewage to be discharged to or upon the ground surface, the ground water or other natural water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any private sewage disposal system to be so discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution.
- H. Failure to Repair or Correct: No person shall fail or refuse to repair or correct any defect, deficiency or other condition, whether natural or otherwise, in any private sewage disposal system which has caused, or which the Director of the Butler County Planning & Development Department or his designees determine is likely

APPROVED

SEP 14 2011

to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution.

Section 2. Penalties.

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Article shall be deemed to be a misdemeanor under the codes and regulations of Butler County, Kansas, and punishable upon conviction by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and/or imprisonment in the County Correctional Facility for not more than 30 days. Each day's violation shall constitute a separate offense. (State Recommendation:

Section 3. Prosecution.

The County Counselor shall prosecute violations of this Code in the name of the Board of County Commissioners of Butler County, Kansas.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

CHAPTER II: SEWAGE DISPOSAL

ARTICLE 1: GENERAL PROVISIONS

Section 1. Purpose.

Sewage is a potential source of disease and a potential hazard to the health, safety and welfare of the public. It also poses a direct threat to the environment as a potential pollutant of the air, water and soil, and presents a hazard to all forms of plant and animal life. It is the purpose of this Chapter is to provide minimum standards for the sanitary disposal of all sewage generated or transported within Butler County unless otherwise regulated by competent authority

Section 2. Scope.

All sewage must be disposed of by the use of a sanitary sewer system as defined in this Article. A sanitary sewer system may be classified as either a public sewage disposal system or a private sewage disposal system.

Section 3. Requirement for Subdivision Development.

After the adoption of this Code, no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency, the Butler County Planning Commission and, when required, by the Kansas Department of Health and Environment. Lots that are 2.99 acres in size or smaller shall be connected to and served by a public wastewater system. Lots ranging in size from 3 acres to 4.99 acres may be developed with approved on-site wastewater treatment systems (with the exception of wastewater stabilization ponds or lagoons) provided they are served by public water. Lots smaller than 5 acres in size that utilize on-site wastewater treatment systems shall not use private water wells as their source of potable water; however, irrigation wells may be allowed. Lots 5 acres or larger in size may allow on-site sewer systems (including lagoons) and private water wells.

Section 4. Definitions.

Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Code, shall be given the meaning defined in this Section.

- A. Absorption System: A private sewage disposal system for the treatment of sewage by means of a leaching field and adjacent soil or by other means of absorption into the ground.
- B. Absorption Trenches: One or more trenches of varying length and depth and of fixed horizontal separation in which effluent is percolated into the soil.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- C. Administering Agency: The Department or unit charged by the Board of Butler County Commissioners with the authority to administer and enforce this code.
- C. Aerobic Sewage Treatment System: A private sewage disposal system employing biological action which is maintained by the addition of air or oxygen.
- D. Alternative On-Site Sewage Management System.
Any on-site sewage management system which has proven reliability and performance in field use, but differs in design or operation from approved septic tank and absorption systems.
- E. Aquifer. A subsurface water-bearing bed or stratum of sand, gravel, or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to, or transmitting water contaminants or pollutants to, wells or springs.
- F. Bedrock: A soil horizon which contains greater than 50% consolidated material, by volume.
- G. Distribution Box: A watertight chamber below the outlet level of a septic tank or treatment unit and from which effluent enters the absorption system.
- H. Installer: Any person duly licensed to construct, install and/or repair private sewage disposal systems; and design conventional, shallow-in-ground and waste stabilization pond (lagoon) systems.
- I. Designer: Any person duly licensed by Butler County Planning & Development Department to plan or design sewage disposal systems, including alternative systems, such as a mound, low pressure pipe, or at-grade system, as well as conventional septic tank systems.
- J. Holding Tank: A water-tight receptacle constructed of concrete or other material, designed to receive, store, and provide periodic removal of non-water carried wastes from the human body.
- K. Lagoon or Sewage Lagoon: An artificial pond designed to exclude surface water and receive sewage and grey water through a submerged sewer for biological decomposition.
- L. Minor Repair: When used in reference to private sewage disposal systems, the term "minor repair" shall be defined as a replacement or repair of any solid pipe component of the system or the replacement or repair of septic tank components such as tees or baffles or such similar type of work as designated by the Administrative Agency.
- M. Mound System: An alternative above-ground system used to absorb effluents from septic tanks in cases where seasonably high water table zones, high bedrock

APPROVED

considerations, slowly permeable soils, or limited land areas prevent conventional subsurface absorption systems.

- N. Private Sewage Disposal System: A sanitary sewage system which retains sewage generated by an individual establishment on the same premises as the establishment and such sewage is either:
- (a) Treated on site; or
 - (b) Transported for treatment at another site by means other than pipes or conduits connected to a public sewage disposal system. Neither treatment facilities operated under an NPDES, or other state or federal permits, nor holding tanks serving commercial, retail or industrial establishments are included in this definition.
 - (c) Lagoons serving less than 2500 gallons per day of domestic type sewage and no more than one property or residence.
- O. Public / Semi-Public Sewage Disposal System: A sanitary sewer system which collects untreated or partially treated sewage from individual establishments or premises or recreational areas and transports it from the establishment or premises by means of pipes or conduits to a plant or location for treatment, and which is available for use by any person within the geographic area served by such a system.
- This includes, but is not limited to:
- (a) Systems built, served, or operated by public sewer districts and municipal sewer systems. (Public)
 - (b) Systems built within subdivisions that are operated, maintained and processed within the subdivision. (Semi-Public). These systems must be operated by a registered operator or a maintenance agreement must be in place with a certified company.
 - (c) For regulatory purpose, holding tanks serving commercial, retail or industrial establishments.
 - (d) Lagoons where more than 2500 gallons per day of domestic sewage is processed.
- P. Sanitary Disposal Contractor: Any person duly licensed to perform sanitary disposal services.
- Q. Sanitary Disposal Service: The pumping out and removal of sewage from private sewage disposal systems and the transportation of such material to another location for treatment or disposal.

APPROVED

SEP 14 2011

- R. Septic Tank: A watertight, accessible, covered receptacle designed and constructed to receive sewage in which the processes take place; settling of the solids, and the digestion of some of the accumulated solids by anaerobic action.
- S. Soil Mottles: Spots or streaks of contrasting soil colors which indicate the presence of a seasonal water table zone.
- T. Structurally Significant Alteration: When used in reference to private sewage disposal systems, the term "structurally significant alteration" means any of the following:
1. Replacement, repair or extension of any portion of the lateral field of the system; and/or
 2. Replacement, repair or reconstruction of any one or more of the critical parts of the system, as designated by the Director of the Butler County Planning & Development Department; and/or
 3. Any replacement, repair or reconstruction which upon review of the administering agency is determined to be an essential repair in order to correct or prevent an improper discharge or imminent health hazard or unlawful pollution.
- U. Trunk Line: The solid pipe from which the laterals extend in a septic tank system.
- V. Water Table Zone: A zone in the soil which is either continually or seasonally saturated with water.

Section 5. Rules of Application.

All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March, 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included herein as an Appendix to this Code.

The requirements established by Chapter II of this Code shall apply and be applicable to any and all public and private sewage disposal systems now or hereafter installed used or operated upon any property located within Butler County, Kansas subject to the provisions of this Code, and shall apply, for regulatory purposes, to holding tanks as described in Section 4.P(b).

- A. General Rule: Unless otherwise provided or excepted in accordance with this Section, from and after the effective date of the Code, no person shall design, install, replace, alter, repair, use or operate, nor cause or allow the installation, replacement, alteration, repair, use or operation of any private sewage disposal

APPROVED

system except as permitted under and as which complies with the established requirements of this Code.

- B. Existing Systems Treating Domestic Waste: Any private sewage disposal system lawfully installed prior to the effective date of this Code and used exclusively for domestic sewage and not industrial or commercial wastes, may remain in use if, and as long as, it continues to operate in accordance with the original design and location, does not experience any system failure, and does not present any hazard to the public health, safety or welfare; however, any replacement, alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions.
- C. Existing Systems of Industrial and Commercial On-Site Wastewater Systems:
1. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any soil absorption systems in use at the time of passage of this Code shall be referred to the Kansas Department of Health and Environment to assure compliance with state and federal requirements.
 2. Industrial and/or commercial wastes collected and retained on site using holding tanks shall be subject to all Kansas Department of Health and Environment permit and inspection requirements, and shall comply with or satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment, pursuant to Kansas Administrative Regulations, Article 28.
 3. Those systems which are used exclusively for domestic wastes may remain in use, subject to at least one (1) annual inspection, as long as the system is used only for domestic waste treatment and satisfies the requirements of this Code.
- D. Existing Tracts and Lots of Record: The owner of any land, which is a tract or lot of record on the effective date of this Code and contains sufficient size or acreage to satisfy the minimum lot size requirements for any permit specified under this Code, may apply for and receive a permit under the applicable provisions of this Chapter if:
1. The tract or lot size is at least one (1) acres; and
 2. The installation and use of the system shall be exclusively for domestic wastes and will comply with all other requirements of this Code; and
 3. The lot is located in a plat which has received final plat approval on or before the effective date of this Code or the lot or tract is not platted but is duly recorded as a lot or tract of record prior to the effective date of this Code; and

APPROVED

4. The lot or tract is not located within the boundaries of any sewer district operated by Butler County.

Section 6. Variances.

Effective from the date of adoption of this Code, any person who owns a lot or tract of land which has been recorded or platted as a lot or tract of record prior to the effective date of this Code may apply for and receive a variance from the minimum lot size requirements established by this Code for the installation, use or operation of any type of private sewage disposal system if, after inspection and evaluation, the Administrative Agency responsible for administering and enforcing the Sanitary Code determines that the system can and will comply with all other applicable requirements of this Code and the applicable Zoning and Subdivision Regulations of the County. The Administrative Agency shall adopt standards to apply in granting such variances. The request for a variance for the proposed system must be submitted prior to construction to remain in compliance with KSA 28-5-9.

Section 7. Rule Exceptions.

The owner of any land or the user of any on-site sewage disposal system regulated by this Code may apply for any exception to any standard, specification, rule or regulation prescribed in this Code, which is not otherwise discretionary, under the authorities granted to the Director of the Administrative Agency responsible for administering and enforcing the Sanitary Code.

- A. Application: Application for any rule exception under this Section shall be filed with the Director of the Administrative Agency responsible for administering and enforcing the sanitary code on approved and authorized forms and shall contain the following information:
 1. The name of the applicant;
 2. The name of the property owner if different than the applicant;
 3. The address and legal description of the property;
 4. The zoning and land use, existing and proposed, for the property;
 5. The express rule, regulation or requirement for which exception is sought;
 6. A detailed description of the plan, action, or other specification which is proposed in alternative to the rule requirement.
- B. Application Fee: There shall be and hereby is imposed a fee which shall be established by resolution for and upon each application for a rule exception filed under this Section. The fee shall be charged and paid for each separate tract, lot or

APPROVED

SEP 14 2011

sub-part of a tract or lot subject to the application and for each rule, regulation or requirement for which exception is sought.

- C. Report and Recommendation: Upon receipt of any application for a rule exception under this Section, the Director of the Administrative Agency, hereafter referred to as Director, or his designee shall evaluate the application and may conduct such site inspections or other investigations as he deems appropriate, and may require the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Director or his designee shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant, to any appropriate planning or governmental body and to any other interested person or party.
- D. Final Decision: The report and final recommendation of the Director, or his designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or other interested party or governmental body requests in writing a formal review of the application or final recommendation. Any final decision of the Director, or his designee, shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds.
- E. Review Proceeding: Whenever a timely request for a review of any application or final recommendation is filed with the Director, a review proceeding shall be conducted in accordance with this subsection.
 - 1. Review of Design, Specifications or Standards: If the application requests an exception to any design criteria or technical specification or standard required under this Article, then the review shall be conducted by a Board of Code Review for Butler County. The Board of Code Review shall hold its meeting to consider the application or recommendation within fourteen (14) days after a request for review is filed with the Director. Notice of the meeting shall be provided in writing to the applicant, the party seeking review, the Director, and any other interested person or governmental body. The Board of Review shall be composed of the Director of Public Works, Director of Planning and Development, Building Inspector and Zoning Compliance Officer (if different than one of the above).
 - 2. Review of Land Use Considerations: If the application requests an exception to any land use consideration, including but not limited to minimum lot sizing, then the review shall be conducted by the Administrative Agency responsible for enforcing the Sanitary Code. A notice stating the exception requested and the date, time and place of the review proceeding shall be published by the applicant in a newspaper of general circulation in the area where the site is located at least seven (7)

APPROVED

days, but not more than fourteen (14) days, prior to the proceeding date. A copy of the notice shall be mailed by the applicant to the owner of any property located within one thousand feet (1000') of the site location and to any appropriate planning or governing body at least seven (7) days prior to the date set for the review proceeding. A fee established by resolution shall be assessed for this service.

- F. Standards for Review: The report and recommendation of the Director, or his designee, shall be given substantial deference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No rule exception shall be granted, either by final decision of the Director, or his designee, or upon any order of a review proceeding unless it is found and determined that:
1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
 2. The rule exception will not adversely affect the proper and efficient operation of the private sewage disposal system nor require extraordinary monitoring, care or maintenance; and
 3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.
- G. Decision on Review: The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds. Any final decision on any application for a rule exception under this Article shall be solely within the discretion of the Director or the Reviewing Board and shall not be subject to review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 2: PUBLIC / SEMI-PUBLIC SEWAGE DISPOSAL SYSTEMS

Section 1. Regulation of Municipal or Public District Systems.

Any public sewage disposal system which is maintained and operated by a municipality, by a lawfully created public sanitary sewer district, or by a lawfully organized public improvement district authorized under application of the Laws of the State of Kansas or the United States and located in whole or part within Butler County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas State Department of Health and Environment and the United States Environmental Protection Agency and shall comply with and be governed by such laws, rules, regulations and administrative actions.

Section 2. Policy Regarding Public Sewage Disposal Systems.

Due to unsuitable soil conditions, high ground water table, bedrock being close to the surface of the ground, the density of development permitted by Butler County Zoning and Subdivision Regulation, and the relationship of development to community growth areas, it is the policy of the Board of Butler County Commissioners to require sanitary sewer districts established, if necessary, in accordance with K.S.A. 19-27a01. The cost of installation, maintenance, and operations of sanitary sewer district sewer systems shall be borne by those properties and persons being served by the system.

Section 3. Types of Public Wastewater Disposal Systems.

Public sewer systems shall be of the following types:

- A. Conventional Gravity Flow Collection Systems. A system that provides for the collection of waste from the point of origin for delivery to a place of treatment. Treatment could include a number of standard and alternative options prescribed by professional engineering practices and approved by the Kansas Department of Health and Environment. Typically, an NPDES permit will be required.
- B. Alternative Wastewater Treatment/Disposal. The use of Septic Tank Effluent Pump (STEP) system shall be the pressure sewer system recognized by Butler County for alternative use as a wastewater collection system. Treatment from STEP systems may involve the use of lagoons, sand filtration beds, constructed wetlands, a package treatment plan or other treatment methods as recommended by a professional engineer and approved by the Kansas Department of Health and Environment. Typically, an NPDES permit will be required.
- C. Other. Any other type of public wastewater disposal system acceptable to the Kansas Department of Health and Environment shall be considered.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 3: PRIVATE SEWAGE DISPOSAL SYSTEM

Section 1. Types.

Private Sewage Disposal Systems are classified as being one of the following types.

- (1) Septic Tank with lateral lines, disposal field, or dispersal systems
- (2) Mound Systems with lateral lines, disposal field, or dispersal systems
- (3) Privy
- (4) Holding Tank
- (5) Lagoon (waste stabilization pond)
- (7) Other

Only domestic wastes as defined by these regulations can be discharged to private sewage systems, including septic systems.

Section 2. Proper Maintenance and Operation.

All private sewage disposal systems shall be maintained in good working condition and shall not discharge onto the surface grade, or into the groundwater, or drain into any stream, or roadside ditch, or produce any offensive odors; or become a breeding place for flies, mosquitoes or rats and other disease vectors. Surfacing of effluent in pools or streams or groundwater contamination will indicate system failure. Whenever the Administrative Agency responsible for enforcing the Sanitary Code shall find any private sewage disposal system malfunctioning and causing any prohibited condition, it shall order the owner and/or user to correct the condition within thirty (30) days.

Some alternative systems may require additional maintenance in order to function properly. The installation of an aerobic septic tank as a method of pretreatment shall require a maintenance agreement with a qualified service provider.

In accordance with K.A.R. 28-5-5 and K.A.R. 28-46-26a, non-domestic wastes may not be directed to cesspools, drywells, and/or seepage pits.

Definitions:

Drywell: A well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids. These wells are commonly used for disposal of storm-water, but in the case of sewage disposal systems, they receive untreated or inadequately treated sewage.

Cesspool: A "drywell" that receives untreated sanitary waste containing human excreta, and sometimes has an open bottom and/or perforated sides.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Seepage Pit: A "drywell" that receives inadequately treated sanitary waste from a septic tank and has an open bottom and/or perforated sides.

Section 3. Location of a Private Sewerage or Private Sewage Disposal System Within Fifty Feet of Well.

No portion of a private sewage disposal system shall be located within fifty feet (50') of a water well or a pump suction line from a water well.

Section 4. Connections to Public Sewage Disposal Systems.

To the extent feasible, public sewage disposal systems shall be used for the disposal of all sewage within Butler County, and no private sewage disposal system shall be permitted under this Chapter whenever a public sewage disposal system is within four hundred feet (400') of the property line. Any property served by a private sewage disposal systems authorized under this Chapter shall connect to a public system as provided in this Section.

- A. Existing Systems: After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private sewage disposal system shall be issued for any lot or tract of land any part of which is located within four hundred feet (400') of a main or lateral sewer line which is part of a public sewage disposal system which can serve the lot or tract, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.
- B. New Systems. The use of any private sewage disposal system for which a permit to construct was issued prior to the effective date of this Code shall be prohibited three (3) years after a public main or lateral sewer line first becomes available for service within four hundred feet (400') of the lot or tract served by the private sewage disposal system, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.
- C. Extensions or Waivers. The requirement for connection to a public sewage disposal system for any particular tract or lot may be waived, or the time extended, by official action of the Board of County Commissioners, if shown that the required connection would result in undue hardship.

Section 5. Repairs and Corrections.

Any private sewage disposal system that cannot connect to a public sewer system and does not function properly as designed and permitted shall be replaced or repaired. Plans and specifications for the replacement or repairs shall be submitted to and reviewed by the Administrative Agency responsible for enforcing the Sanitary Code, and no repairs or replacements, other than ordinary maintenance, shall be performed without a permit and inspection as required under this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 6.

Location of Private Wastewater Systems Below Flood/Full Pool.

- A. No portion of a private wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir with the potential to inundate the wastewater system.
- B. No pond or swimming pool shall be constructed or maintained so as to discharge or have the potential to discharge water or grey water onto an on-site wastewater disposal system which could result in the failure of that system, unless a structure or suitable arrangement approved by the Administrative Agency responsible for enforcing the Sanitary Code is constructed to protect the on-site wastewater disposal system from such discharge or potential discharge of water.

Section 7.

Location of Private Wastewater Disposal Systems Within a 100-Year-Floodway, and Floodway Fringe.

No portion of a private wastewater disposal system shall be constructed within the 100-year-floodway of any stream, river, or watercourse (as established by the Federal Emergency Management Agency). This does not preclude repair of existing systems, provided other requirements of this Code are met.

A lagoon may be allowed within a designated floodway fringe area provided the berm is constructed to an elevation that is at least one foot above the Base Flood Elevation. Said elevation must be certified by a licensed surveyor or professional engineer and a floodplain development permit must be obtained. Septic systems and alternative systems shall not be allowed in a designated floodway or a floodway fringe area unless said system is to replace an existing system and there are no other alternatives available. Floodplain development permits shall also be required in such cases.

APPROVED

SEP 14 2011

ARTICLE 4: REGULATIONS FOR SEPTIC TANKS

Section 1. Permits Required.

It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, remove, convert, or demolish any septic tank system regulated by this Code, without first obtaining a septic system permit from the Administrative Agency responsible for enforcing the Sanitary Code. Permits issued under this Article shall be subject to the following qualifications:

- A. Property Use. Permits may be issued under this Article only for single-family residences.
- B. Minimum Lot Size. Unless a waiver or rule exception variance is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of one (1) acres per living unit shall be required for any permit issued under this Article.
- C. Terms and Renewals. A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance and may be renewed annually by order of the Director of the Administering Agency..
- D. Transfer. A permit issued under this Article shall not be transferable.
- E. Standards. No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the specified requirements of all applicable Sections of this Article.

Section 2. General System Requirements.

The system shall be designed to consist of a building connection, treatment unit such as a septic tank and disposal field. The system shall receive all domestic sewage including laundry waste. The design of the system shall ensure that the wastes discharged to the private sewage disposal systems:

- (1) Do not contaminate any drinking water.
- (2) Are not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water.
- (3) Do not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes.
- (4) Do not surface above ground level.
- (5) Are not a danger by being exposed and accessible to animals or children.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- (6) Do not give rise to a nuisance due to odor or unsightly appearance.

Section 3. Application Procedure.

The person applying for the septic system permit shall first file an application in writing on a form furnished for that purpose by the Administrative Agency responsible for enforcing the Sanitary Code. The application shall:

- (1) Identify and describe the activity for which permission is requested. (e.g., construction, repair, etc.)
- (2) Identify the location of the activity for which permission is requested by legal description and street address.
- (3) Indicate the type of establishment which the septic system will serve.
- (4) Be accompanied by a completed soil profile analysis and site assessment for each site location as specified in, and performed according to the procedures described in Section 4 of this Article.
- (5) Be accompanied by a system design to be done in conformance with the recommendations of the site assessment. The system design shall include a legal description of the site, the required laterals, septic tank size, home bedroom number, and be prepared by a designer as licensed by this Code.
- (6) Be signed by the owner of the premises where the activity is to be conducted, or his or her duly authorized representative. The representative may be required to submit evidence of such authority.

Section 4. Field Data Requirements.

- A. Site and Soil Evaluation. Although the septic tank is important for removing solids from the wastewater, most wastewater treatment is provided by the soil. Microorganisms living in the soil profile use organic matter in the wastewater as food, thus treating and purifying the water as they grow. Four feet (4') of soil beneath the bottom of the soil absorption field is required to assure adequate treatment before wastewater reaches the water table or flows laterally due to the presence of a restrictive layer. An evaluation of the soil is required to assess the ability of a site to provide proper wastewater treatment. Soil must absorb the septic tank effluent, treat the wastewater and transmit treated wastewater to the groundwater.
- B. Soil Profile Review. A soil profile review shall be required by the Administrative Agency responsible for enforcing the Sanitary Code and shall consist of an on-site visual examination of the soil in the proposed absorption field. The applicant shall

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

be responsible for digging three foot by five foot by five foot (3' x 5' x 5') deep inspection pits.

- C. Water Table Borings. Borings to determine underground water elevation in low areas may be required by the Administrative Agency responsible for enforcing the Sanitary code. Borings shall be made to a minimum depth of seven feet (7'). Water table elevations shall not be recorded until sufficient time has elapsed for the stabilization of groundwater (such stabilization in clay soils may require several hours or overnight). Evidence of the presence of water in the borings shall negate the use of conventional on-site sewage systems in that area. Location, identification number and depth to water table shall be recorded on the site plan. Other records of the water table elevation, including seasonable peaks, may be submitted or required.
- D. Rock Borings. Where surface outcroppings on subsurface rock exists or are suspected, a sufficient number of borings to a depth of four feet (4') may be required by the Administrative Agency responsible for enforcing the Sanitary Code to determine if such condition may interfere with installation, performance or repair of the proposed on-site sewage management system. Evidence of rock in the borings may negate the use of a conventional on-site sewage management system in that area. Boring locations and data shall be recorded by number on the site plan.

Section 5. Plans and Specifications.

Plans and specifications shall be drawn to scale, no greater than one inch to fifty feet (1" = 50'), and shall include but not be limited to the following information:

- (1) Location of the soil profile sites in the area of the proposed private sewage disposal system.
- (2) Size of lot, dimensions, and relative location of structures.
- (3) Proposed location of the private sewage disposal system.
- (4) Alternative systems require submittal of all design specifications.
Retention of Plans: One set of approved plans shall be retained by the Administrative Agency responsible for enforcing the Sanitary Code and one set of approved plans shall be returned to the applicant.

Section 6. Inspection Required for System Approval.

No septic tank or system shall be placed into service and no occupancy permit may be issued to any person for use of any establishment to be connected to such system until the system has been inspected and approved by the Administrative Agency responsible for enforcing the Sanitary Code.

APPROVED

SEP 14 2011

- A. Pre-conditions. No inspection or system approval will be initiated until and unless the applicant or property owner has fully complied with the permit and application requirements of Sections 1,3 and 4 of this Article. Any required permit must be posted and displayed at the property job site. The applicant, property owner or septic installer shall provide a minimum of one (1) working day notice to the Administering Agency to perform any required septic system inspection. An inspection will be conducted only when proper notice is given, only where the site address is posted and visible from the road, and only where the foundation and structure are finished before installation of the system.
- B. Inspection Procedures. There will be at least three (3) separate inspections required for each septic system.
- (1) The first site inspection shall be performed as described above in Section 4 before issuance of any septic system permit.
 - (2) The second inspection is made when the system is installed. The tank and pipe shall be in the ground but must be uncovered for the inspector to check the following:
 - a. Tank size and inside structure, including the inlet and outlet baffles or tees.
 - b. Connections to the house, influent and effluent side of the tank.
 - c. The width and depth of trenches for lateral lines.
 - d. All solid un-perforated trunk lines on undisturbed soil and no rock material in the trunk line ditch.
 - e. Depth of gravel in laterals.
 - f. Level of pipes and the end of each lateral line is capped or interconnected.
 - g. Filter material over laterals.
 - h. Anticipated depth of fill over laterals.
 - i. Quality of all construction materials to assure compliance with minimum standards set forth by the Planning & Development Department.
 - (3) The third inspection is made after final grading has occurred, but before occupancy. The inspector will check for the following:

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- a. Depth of soil cover over septic tank.
- b. Depth of soil cover over lateral lines.
- c. Contour of soil to assure allowance for water diversion around lateral field.

Section 7. Construction Specifications.

Plans for all septic tanks shall be submitted to the Administrative Agency responsible for enforcing the Sanitary Code for approval. Such plans shall show all dimensions, reinforcements, structural calculations, and such other pertinent data as may be required. Septic tanks shall be constructed of sound durable materials, not subject to excessive corrosion or decay and shall be watertight, such as concrete, fiberglass or polyethylene. Each such tank shall be structurally designed to withstand all anticipated earth or other loads and shall be installed level and on a solid bed. Steel septic tanks shall not be permitted. All tanks shall meet the design and construction specifications as set forth in the State of Kansas Department of Health and Environment Bulletin 4-2.

- A. Tank Requirements. Residential septic tanks shall be two - one thousand (1000) gallon capacity tanks connected in tandem.

Septic tanks must be structurally stable when covered by two feet (2') of soil using material pressures of 62.4 lbs./cubic foot for all sides, top and bottom plus a live point load of 2,000 pounds and a safety factor of 1.5. In instances where there may be concern regarding the water tightness of a septic tank, the Butler County Planning & Development Department may require testing for water tightness before the tank is covered with earth.

- B. Pump Tanks

(1) Septic Tank Effluent Pump (STEP) This method involves a two-compartment septic tank with the pump assembly in the second compartment. An approved pump assembly shall be used.

(2) Single Compartment Pump Tank. Single compartment pump tanks shall be pre-cast concrete, fiberglass or polyethylene. The pump tank shall have a minimum capacity of 500 gallons.

All pump tanks shall be equipped with an approved manhole and lid to finished grade and shall also be equipped with an approved high water alarm.

- C. Depth. The access manhole cover must be extended to the finished grade and shall consist of a cast iron ring and lid, or other material which meets with Department approval.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- D. Location. The location of the septic system shall be such as to maintain not less than the stated distances as shown in Table 1:

Table 1: REQUIRED DISTANCES FROM THE SYSTEM

	Septic Tank	Lateral Field
Property Line	10 feet	10 feet
Well	50 feet	50 feet
Pond or lake not used for drinking water	50 feet	50 feet
Water Line (private)	10 feet	10 feet
Water Line (public)	25 feet	25 feet
Building or foundation drain	10 feet	25 feet
Public utility lines	10 feet	10 feet

- E. Site Preparation. The area proposed to be occupied by the private sewage disposal system shall not be disturbed or compacted prior to system installation. Fencing or other appropriate barriers shall be used to designate this area. During and after installation, care shall be taken to avoid compaction or destruction of the soil profile.

Excavation for construction of the system shall not be done when soil moisture is so great that soil from the site rolled between the hands will form a soil wire.

- F. Lateral Size. If the soil profile test indicates a wastewater-loading rate of 0.3 to 0.8 gallons per day per square foot, the lateral size shall be a minimum of 2000 square foot of total effective absorption area. Any wastewater loading rates less than this will require an alternative sewage disposal method. Refer to Table 2.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Table 2: GUIDE TO ESTIMATING WASTEWATER
INFILTRATION RATES FOR BELOW-GRADE
SOIL ABSORPTION SYSTEMS

<u>Soil Horizon Characteristics</u>	<u>Wastewater Loading (gpd/ft²)</u>
1. Gravelly coarse sand; moderate or strong platy structure; sandy clay loam or silty clay loam with weak platy structure; cemented consistence or any consistence stronger than firm (moist), or hard (dry); sandy clay, clay or silty clay with massive or weak structure; silt loam, clay loam or silty clay loam with massive structure.	0.0
2. Sandy clay, clay, or silty clay of low clay content with moderate or strong structure; sandy clay loam, clay loam or silty clay loam with weak structure.	0.1 - 0.2
3. Sandy clay loam, clay loam or silty clay loam with moderate or strong structure; sandy loam, loam or silt loam with weak structure.	0.3 - 0.4
4. Sandy loam, loam or silt loam with moderate or strong structure; fine sand, very fine sand, loamy fine sand or loams very fine sand.	0.5 - 0.6
5. Coarse sand, sand, loamy sand or loamy coarse sand with single-grain structure.	0.7 - 0.8

- H. Lateral Trench. The acceptable absorption trench width shall be from twenty-four inches to thirty-six inches (24" - 36") with the following minimum distances between trenches observed:

Table 5: DISTANCES BETWEEN TRENCHES

Trench Width Minimum Distances Between
Center Line of Trenches

24 - 36 inches

9.0 feet

- I. Lateral Field. An approved standard perforated trench pipe (10' length of rigid PVC) shall be used. The end of each lateral shall be capped, if not required to be interconnected. There shall be a minimum of 4 inches of slope from outlet end of tank to first lateral. Individual trenches shall have a maximum slope of 4 inches per 100 feet. Individual trenches shall have a maximum of 100 feet from end of

APPROVED

lateral to trunk line. Drainage lines shall be installed on top of at least 6 inches of washed gravel sized from 3/4 inches to 2½ inches. The Administrative Agency responsible for enforcing the Sanitary Code shall approve the fabric material that will be placed over the gravel before backfilling. Serial or "step-down" distribution may be required for excessively sloping yards. Valves or drop boxes may be required on all serial or step-down distribution systems. Depth of the trenches should be a minimum of 24 inches and shall not exceed thirty-six inches (36").

No part of the lateral field shall be covered by more than twenty-four inches (24") of backfill.

The lateral field shall be constructed and installed according to requirements approved by the Administrative Agency responsible for enforcing the Sanitary Code, and shall be designed and installed with some method of detection, acceptable to the Department, which allows for and assists in the future locating of the lateral lines.

No septic tank lateral field or any portion thereof shall be placed in filled material unless approved by the administering agency.

J. Field Layout Methods.

- (1) Sequential Step-down or "Overhead" Systems. This method is well suited to terrain with a slope. In this system, effluent is not distributed equally to all the lateral lines. Instead, the lines are filled sequentially and diversions to the next line do not occur until the fluid level in the preceding trench reaches slightly above the top of the rock fill. The installation of laterals must be along contour lines so that level trenches of uniform depth can be constructed. The bottom of the lateral trenches must be level. The overhead distribution line must be connected at the lateral line, and at any elevation so that the bottom of the overhead line is two inches (2") above the lateral rock in the absorption trench. The overhead distribution line must be set on a firm foundation of undisturbed earth.
- (2) Level Field Method. On flat terrain the level field method may be used. When this method is used, all distribution trenches shall be installed level and at the same elevation, shall not exceed one hundred feet (100') in length. A standard tee fitting shall be used to distribute treated sewage. A standard tee fitting should be used to affect a juncture of the ends of any three (3) distribution lines.
- (3) Distribution Box Method. On level or moderately sloping topography, the distribution box method may be used. A level concrete foundation shall be provided to insure against tilting and it shall extend six inches (6") beyond the box in both dimensions. Extreme care must be exercised in backfilling around and over the distribution box. Influent lines from the septic tank

APPROVED

SEP 14 2011

shall terminate inside the distribution box. When this method is used, absorption trenches of equal lengths, not exceeding one hundred feet (100'). While such absorption trenches may be installed at the same or different elevations, all lines leading from the distribution box to absorption trenches must be installed level and at the same elevation, shall be watertight and, for the remainder of their sealed length, the grade of such lines shall not be more than one-eighth inch (1/8") per foot. All perforated distribution lines shall be laid on a level grade. The absorption trench shall meet all the minimum design and construction criteria as set forth under table 5, Section 7G above.

- K. Prohibited Connections. No roof, driveway, or foundation drains shall be connected to a septic tank system.
- L. Other Requirements: Any additional construction specification guidelines necessary shall be approved by the Administrative Agency responsible for enforcing the Sanitary Code.

Section 8. Applicable Building Codes.

In addition to the standards and requirements established under this Chapter, the installation, alteration, construction reconstruction, repair, replacement, or other work for or upon any private sewage disposal system regulated under this Code shall comply with and satisfy the specifications and requirements, whenever applicable, of the International Building Code and the Uniform Plumbing Code, or similar codifications, as adopted by and in effect in Butler County, Kansas. The administrative agency shall have available copies of any such codes and code specifications and shall delineate those parts and requirements which are applicable to private sewage disposal systems.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 5: REGULATIONS FOR MOUND SYSTEMS

Section 1. Permits.

It shall be unlawful for any person to erect, construct, perform any structurally significant alteration, remove, convert, or demolish any mound disposal system without first obtaining a permit from the Administrative Agency responsible for enforcing the Sanitary Code.

Section 2. Permit Qualification.

A permit authorized under this Article shall be issued, and any mound system operated under the provisions of this Code, shall be approved subject to the qualifications specified in this Section.

- A. Land Use. A mound system may be permitted or operated only for single-family residences.
- B. Minimum Lot Size. Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter a minimum lot or tract size of one (1) acres per living unit shall be required for use, operation or permitting of any mound system under this Article.
- C. Standards. Any mound system permitted or operated under authority of this Article shall comply with the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

Section 3. General Requirements and Standards.

Mound systems shall be permitted only after a thorough site evaluation has been made, and landscaping, dwelling, placement, effect on surface drainage and general topography have been considered. Mound systems shall not be utilized on soils where high groundwater level or bedrock occurs within twenty-four inches (24") of the surface.

Section 4. Design.

All mound systems shall be designed by a Registered Professional Engineer, licensed designer, registered sanitarian, or professional soils scientist, and approved by the Administrative Agency responsible for enforcing the Sanitary Code. Distance restrictions as provided in Article 4, Table 1, apply to the design of mound systems.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 6: REGULATIONS FOR COMPOSTING TOILETS

Section 1. Permit.

Composting Toilets may be permitted in circumstances such as for seasonal cabins or camps. The application procedures and fees shall be the same as for a septic tank system.

Section 2. Construction Standards.

The composting toilet shall be required to have a National Sanitary Foundation seal of approval and testing. The unit may be electric or non-electric and must be installed with fans in the required vent pipe.

Section 3. Maintenance.

The composting toilet shall be maintained and cleaned as per manufacturers standards and recommendations. They should be maintained as to not create a nuisance or health hazard.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Article 7: Regulations For Holding Tanks

Section 1. Scope.

For purposes of this Article, the term "Holding Tank" refers to a watertight receptacle to retain sewage on-site prior to removal from the site by a Sanitary Disposal Contractor licensed under Article 1 of this Chapter.

Section 2. Authorized Usage.

A holding tank may only be used for the on-site retention of sewage before the contents are removed by a Sanitary Disposal Contractor.

Residential Properties. One holding tank may be used to service only one (1) residence or dwelling unit when it is found that no other sewer system will work or is available. A holding tank which services more than one residence or dwelling unit shall be considered a public sewage disposal system and will not be permitted under this Code.

Section 3. Permit Required.

It shall be unlawful for any person, firm or corporation to construct, perform any structurally significant alteration, convert or use any holding tank without first obtaining a permit from the Administrative Agency. Prior to issuance of a permit, the owner of the holding tank shall provide a copy of his service contract with a Sanitary Disposal Contractor licensed pursuant to Article 10 of this Chapter.

Section 4. Permit Qualifications.

Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

- A. Term and Renewal. Permits for holding tanks used for commercial, domestic, or industrial wastes are valid for twelve (12) months from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty (30) days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, a permit will be issued for the following year.
- B. Minimum Lot Size. Unless a waiver or variance is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of one (1) acre per occupied unit shall be required for the use, operation, or permitting of any holding tank for any property usage under this Article.
- C. Standards. No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions, and requirements of this Code.
- D. Transfer. Permits are not transferable.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 5. General Requirements.

The system shall be designed to consist of a building connection and tank. The design of the system shall ensure that waste discharged to the system:

- (1) Does not contaminate any groundwater or drinking water.
- (2) Is not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water.
- (3) Does not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes.
- (4) Is not a danger by being exposed or accessible to animals or children.
- (5) Does not give rise to a nuisance due to odor or unsightly appearance.

Section 6. Standards and Specifications.

Any holding tank system authorized under this Article shall be designed, constructed and operated to comply with standards and specifications deemed necessary and advisable by the Administrative Agency, including the minimum requirements specified in this Section.

- A. Capacity Requirements. The minimum liquid capacity of a holding tank for one residence shall be:

Number of Bedrooms	Holding Tank
1	1500
2	2000
3	2400
4	4800
5	5000
6	5000
7	7000
8	7000

Tanks serving commercial, retail, or industrial establishments shall have a minimum five (5) day holding capacity, but not less than twenty- four hundred (2400) gallons.

- B. Site Location. Tanks shall be located at least ten feet (10') from any part of a building. Holding tank shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within ten feet (10') of the servicing manhole.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- C. Warning Device: A high water warning device shall be installed so that it activates one foot (1') below the inlet pipe. This device shall be either an audible or illuminated alarm.
- D. Access Opening. Each tank shall have an access manhole extended to finished grade, and shall consist of a circular cast iron ring and lid or other material which meets with the approval of the Administrative Agency.

Section 7. Changes in Use.

The permit holder shall notify the administrative agency in writing within five (5) working days of any change in the use of the premises which are serviced by the holding tank or any change in ownership or occupancy of the premise.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 8: REGULATIONS FOR WASTE STABILIZATION PONDS

Section 1. Permit Required.

It shall be unlawful for any person, firm, or corporation to erect, construct, or perform any structurally significant alteration, remove, convert, or demolish any lagoon regulated by this Code, without first obtaining a permit from the Administrative Agency. The lagoon property site must be a minimum of five (5) acres. Permits issued under this Article shall be subject to the following qualifications:

- A. Land Use. Permits may be issued under this Article only for single-family residences.
- B. Minimum Lot Size. Unless a waiver or variance is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of five (5) acres per living unit shall be required for any permit issued under this Article.
- C. Standards. No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the specified requirements of all applicable Sections of this Code.

Section 2. Lagoon Design Requirements.

- A. All lagoons must be designed and maintained so as not to overflow or discharge.
- B. The completed construction of the facility shall conform to the plans and specifications approved by the Butler County Planning & Development Department.
- C. The facility shall be operated in such a manner that a public health nuisance or water pollution problem will not arise.
- D. The normal ground water elevation shall be at least ten feet (10') below ground surface and four feet (4') below the bottom of the lagoon.
- E. A separation distance of fifty feet (50') between the proposed water's edge of the lagoon (at the 5-foot water depth) and the property line of another owner shall be provided.
- F. When the lagoon excavation penetrates or terminates in either a rock strata or a porous (sand or gravel) strata, the excavation shall be extended a distance of one foot (1') on both the bottom and side slopes. The area of supplemental excavation shall be filled with a non-permeable earthen material to limit seepage from the pond to a maximum value of one-quarter inch (1/4") per day. This normally may be accomplished by using a clay soil which is free of rocks. If a clay soil is not

APPROVED

available, the fill soil shall be mixed with bentonite clay at the manufacturers recommended rate and compacted.

- G. Placement of a septic tank of a size no less than one thousand (1,000) gallons shall be installed to connect the sewer service from the residence to the septic tank. Effluent from the septic shall drain by sewer pipe to the sewage lagoon.
- H. The sewer pipe must be four inch (4") solid SDR thirty-five (35) with a minimum slope of one-eighth inch (1/8") per foot. out wye must be installed near the house above the septic tank.
- I. After construction of the lagoon, the builder shall smooth the dike so that no clods, rocks or ruts will interfere with mowing.
- J. A stand of grass shall be established on the dike. This grass should be short-rooted perennial such as blue, fescue or brome and shall be mowed regularly.
- K. The entire lagoon area shall be fenced with a fence meeting the following specifications:
 - (1) The fence must be installed anywhere from the center of the berm outwards in order to facilitate maintenance and keep livestock and pets out of the lagoon area;
 - (2) The fence must be constructed of woven or welded wire with openings no larger than two inches (2") by four inches (4"). The wire gauge is to be thicker and heavier than "chicken wire";
 - (3) The fence must be at least four feet (4') high;
 - (4) Corner posts of the fence must be three inch (3") or four inch (4") diameter or minimum three inch (3") by three inch (3") size. Steel pipe posts may also be used. Metal T-posts may not be used for the corners regardless of how they are reinforced. T-posts may be used between the corners provided they are spaced no farther apart than 12 feet. Conventional chain link fencing and posts will be allowed.
- L. A gate with a minimum width of four feet (4') must be provided. It must be framed and hinged. Wire by itself will not be permitted.
- M. Roof drains may not be discharged to the waste stabilization pond unless an approved control arrangement is provided to readily facilitate a diversion from the sewer system.
- N. Construction of the waste stabilization pond must be approved by an inspector of the Planning & Development Department before a final occupancy permit will be issued.
- O. On properties containing 5 acres or less the waste from lagoon cleanouts shall be buried on-site or fenced with snow fence and hauled off and disposed of in a manner

APPROVED

approved by the County Environmental Officer. For properties over 5 acres in size the waste may be applied over agricultural land in a manner approved by the Director of the Administrative Agency or his designee or buried on site.

Section 3. Lagoon Separation Distances.

The single family waste stabilization pond will have the following minimum horizontal separation distances:

- (1) Twenty-five feet (25') from a private water line.
- (2) Fifty feet (50') from a house or structure, cistern, water mains or property lines including right-of-way.
- (3) Fifty feet (50') from water wells, ponds or creeks.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 9: REGULATIONS FOR OTHER SYSTEMS

Section 1. Approval.

Other systems such as the At-grade, Low Pressure Pipe, Intermittent Sand Filter, or similar systems, may be approved by the Administrative Agency upon submission of plans and specifications.

Section 2. Permit Required.

A permit shall be required for any alternative system authorized or approved under this Article.

Section 3. Permit Qualifications.

Any permit or approval authorized under this Article shall be issued subject to the qualifications specified in this Section.

- A. Land Use. Permits may be issued under this Article only for single-family residences.
- B. Minimum Lot Size. Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of one (1) acres per living unit shall be required for any permit issued under this Article.
- C. Standards. No permit shall be issued by the Director of the Administrative Agency, or his designees, to any person, property, or establishment which does not comply with and satisfy standards prescribed for the alternative system consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 10: REGULATIONS FOR INSTALLER

Section 1. License Required.

No person shall install, engage in the installation of, or repair a private sewage disposal system unless that person holds a valid Installer License issued by the Administrative Agency. Employees of a validly licensed Installer are not required to be separately licensed.

Section 2. License Term and Renewal.

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of any following year. Applications for licenses and renewals shall be filed on forms supplied by the Administrative Agency. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

Section 3. Standard of Performance.

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to private sewage disposal systems and general engineering principles pertaining to such systems. The administering authority may consider actual experience, education, or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

Attendance by any applicant at an appropriate training workshop, conducted or sponsored by the Administrative Agency or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by or on behalf of the Administrative Agency covering subjects related to public health concerns, sewage disposal techniques, standards for design or construction or installation of sewage disposal systems, sewage treatment theory, and/or hydraulics shall satisfy the requirements of this Section. Any applicant who fails to satisfactorily complete the written examination may retake the examination after thirty (30) days.

Section 4. Continuation Training.

Every person licensed as an Installer under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article will be renewed without submission of a certification of the training to the director of the Administrative Agency. The training, to be approved, must be directly related to the knowledge requirements necessary for issuance of the license under Section 3. Attendance at any workshop conducted, sponsored or approved by the Administrative Agency or any applicable professional association shall satisfy the requirements of this Section.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 5. Installation Bonds.

The administrative agency may establish a requirement for bonding of any installer licensed under this Article and may prescribe reasonable terms and conditions for those bonds.

Section 6. Certificate of Insurance.

A licensed installer shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the administrative agency, and a copy of the certificate of insurance shall be filed with the agency.

Section 7. Code Compliance.

The installation, relocation, or repair of any private sewage disposal system shall be in compliance with the provisions of this Code.

Section 8. License Revocation.

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I of this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 11: REGULATIONS FOR SANITARY DISPOSAL CONTRACTORS

Section 1. License Required.

No person may engage in the pumping of holding tanks, septic tanks, pump tanks, portable toilets or grease traps or transport sewage to a disposal site unless that person holds a valid Sanitary Disposal Contractor's License. Employees of a validly licensed Sanitary Disposal contractor are not required to be separately licensed. The license shall also designate the vehicles to be used by the licensee.

Section 2. License Term and Renewal.

Any license issued under this Article shall expire on December 31 of each year and must be renewed annually, on or before January 15 of any following year. Applications for licenses and renewals shall be filed on forms supplied by the Administrative Agency. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

Section 3. Standard of Performance.

Every person licensed as a sanitary disposal contractor under this Article shall comply with the performance requirements specified in this Section.

- A. Cleaning. A license holder, when cleaning a septic tank, shall remove the liquid, sludge and scum, leaving no more than three inches (3") depth of sewage.
- B. Equipment. a license holder shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that his employees are not subjected to undue health hazards. All sewage shall be transported in an enclosed tank.
- C. Vehicles. Sewage shall be transported only in vehicles approved for that purpose by the Administrative Agency. Each such vehicle must be inspected prior to issuance or renewal of a license to a Sanitary Disposal contractor. Each vehicle shall bear permanent identification in five inch (5") letters identifying the name of the company, the owner and the address of the business.
- D. Disposal and Reporting. A license holder shall dispose of the collected sewage only at approved locations designated by the Administrative Agency, and shall submit to the Director, or his designee, not later than the 10th day of each month, a report on a form furnished by the Administrative Agency stating the dates, sources, volume, and disposal site of each load or partial load of sewage or waste transported during the preceding calendar month. The report form must contain the signature of the person submitting the report and must bear the signature or

APPROVED

signatures of the responsible person operating the disposal site for each load or partial load received at the site from the contractor.

- E. Experience. Prior to the issuance or renewal of a license the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to Sanitary Disposal Contractors. The administrative agency may consider prior conduct of the applicant in localities not subject to this Code in the granting or renewal of a license as well as any prior violations of this Code.
- F. The license holder shall comply with any applicable federal, state, and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in Standards for the Use or Disposal of Sewage Sludge, volume 58, number 32, page 9388, of the Federal Register, February 19, 1993, as amended.

Section 4. License Revocation.

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I of this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

ARTICLE 12: REGULATIONS FOR DESIGNER

Section 1. License Required.

No person shall conduct or perform the services of designer for any private sewage disposal system regulated under this Chapter or for other purposes of this Code, unless that person holds a valid license issued by the Administrative Agency. Licensed installers, landscape architects, registered sanitarians, and professional soil scientists may be considered as eligible to hold a license as a designer of private sewage systems. Employees of a validly licensed Designer are not required to be separately licensed. A licensed professional engineer shall be deemed licensed for the purpose of this Section.

Section 2. License Term and Renewal.

Any license issued under this Article shall be valid for a term of two (2) years, running concurrently with the calendar year, and shall expire on December 31 of each succeeding calendar year. Any license issued under this Article shall be renewed, on or before January 15 of any succeeding year. Applications for licenses and renewals shall be filed on forms supplied by the Administrative Agency. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

Section 3. Standard of Performance.

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge consistent with the provisions of this Chapter.

Section 4. License Revocation.

A license issued under this Article may be revoked for any failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I of this Code.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

CHAPTER III: WATER SUPPLY

ARTICLE 1: WATER SUPPLIES

Section 1. Purpose and Intent.

The provisions of this Code are for the purpose of regulating and controlling the siting, maintenance, and use of private and semi-public water supplies used as a potable water source in the unincorporated area of Butler County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the County will be prevented.

Section 2. Area of Applicability.

This Code shall apply to all unincorporated land located in Butler County.

Section 3. Compliance Required.

After the effective date of this Code, no person shall construct on any property subject to this Code, any public, semi-public or private water supply that does not comply with the requirements of this Code.

All wells drilled must comply with well construction standards in Article 30 of the Kansas Administrative Regulations, including the filing of a WWC-5 Water Well Record Form within 30 days after construction, reconstruction, or plugging of a water well. Additionally, only well contractors licensed by the State of Kansas are permitted to work on anything to do with a well casing, pitless adaptor, etc. A plumber's license is not a well contractor's license.

Section 4. Definitions.

In addition to the definitions provided in Chapter 1 of this Code, the words, terms and phrases listed below, for purpose of this Chapter 3, are defined as follows:

A. Abandoned Water Well. A well:

1. Which has been permanently discontinued from use;
2. From which the pumping equipment has been permanently removed;
3. Which is in such a state of disrepair that it cannot be used to supply water;
4. Which possesses potential health and safety hazards; or
5. Which is in such a condition it cannot be placed in active or inactive status.

B. Active Well. A water well which is an operating well used to withdraw water, monitor or observe groundwater conditions.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- C. Construction of Water Wells. All acts necessary to obtaining groundwater by any method for any use including, without limitation, the location of and excavation for the well.
- D. Domestic Uses. The use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards, and lawns.
- E. Groundwater. That part of the subsurface water which is in the zone of saturation.
- F. Inactive Status. A water well which is not presently operating but is maintained in such a way it can be put back into operation with a minimum of effort.
- G. Potable Water. Water free from impurities in amounts sufficient to cause disease or harmful psychological effects in humans and conforming with the latest KDHE regulations.
- H. Private Water Supply. A water supply used for domestic purposes which serves not more than one (1) dwelling on a piped system.
- I. Public Water Supply. A system for delivery to the public of piped water for human consumption that has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- J. Reconstructed Water Well. An existing well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.
- K. Semi-Public Water Supply. A water supply used for domestic purposes serving two (2) to nine (9) residential units (rental or under separate ownership) on a piped system and serving less than twenty-five (25) persons per year.
- L. Test Hole. Any excavation constructed for the purposes of determining the geologic and hydrologic and water quality characteristics of underground formations.
- M. Treatment. The stimulation of production of groundwater from a water well, through use of Hydrochloric Acid, Muritic Acid, Sulfamic Acid, Calcium or Sodium Hypochlorite, polyphosphates or other chemicals and mechanical means, for the purpose of reducing or removing Iron and Manganese Hydroxide and oxide deposits, Calcium and magnesium carbonate deposits and slime deposits associated with iron or manganese bacterial growth which inhibit the movement of groundwater into the well.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- N. Water District. Any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.
- P. Water Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.

Section 5. Requirements for Public Water Supplies.

- A. STATE PERMIT. No person shall operate a public water supply without obtaining a permit from KDHE. A copy of the permit shall be filed with the local Administrative Agency.
- B. STATE APPROVED PLANS. No person shall construct any public water supply on any property subject to the provisions of this Code until the plans and specifications have been submitted to and approved by KDHE. A copy of the plans and specifications shall be filed with the local Administrative Agency.

Section 6. Requirements for Semi-Public Water Supplies.

No person shall operate or maintain a semi-public water supply system that has been:

- A. Constructed or reconstructed after the effective date of this code, until it has been inspected and a permit issued by the Administrative Agency. A permit fee will be required.
- B. Temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction.
- C. Found by the Administrative Agency not to comply with the provisions of this Code and a written notice thereof has been given to the owner of his/her agent.

Section 7. Use of a Semi-Public Water Supply.

The following shall be done and reviewed by the Administrative Agency prior to the issuance of a permit for a semi-public water supply, to assure water quality for the public:

- A. An initial and at least annual bacterial analysis.
- B. A partial chemical analysis is to be done initially and every three (3) years thereafter.
- C. Other tests such as a screen for pesticides, volatile organic chemicals, and heavy metals may be required, at the direction of the Administrative Agency, to protect the public's health.

APPROVED

SEP 14 2011

- D. The water samples shall sent to a state certified laboratory for analysis. The owner is responsible for all analysis costs.
- E. If a public health threat exists, the Administrative Agency may shut down the water supply source.

Section 8. Requirement for Private Water Supplies.

- A. Permit. No person shall drill, develop or construct any private water supply well on any premises subject to the regulations of this Code until he/she has obtained a permit therefore from the Administrative Agency.
- B. Approved Plans. No permit to construct or develop a private water supply on premises subject to the regulations of this Code shall be issued until the plan showing the location and construction of the supply has been approved by the Administrative Agency.
- C. Use Limitation.
 - 1. No permit for drilling a well for private water supply shall be issued to any person when, in the discretion of the administrative agency, the water supply constitutes a significant health risk.
 - 2. No use of surface water (lakes, ponds, or streams) as a source of water for private water supply shall be permitted:
 - (a) Where a satisfactory ground water source is available;
 - (b) Where adequate treatment is not provided. (In no case shall surface water be used without filtration and chlorination); and
 - (c) Where the pond or lake receives any drainage or discharge from septic tanks, or sewage treatment plans or other sources of pollution.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

Section 9.

Minimum Standards for all Groundwater Supplies.

- A. Location. the horizontal distance between the well and the potential sources of pollution or contamination, such as septic tanks, lateral field, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be fifty feet (50') or more.

The horizontal distance between a water line and a septic tank, lateral field, and a subsurface drip irrigation field shall be ten (10) feet or more and the line shall be of water tight construction.

The horizontal distance from a water line to a sewer line shall be twelve (12) inches and the lines shall be constructed of approved materials.

When a water line and a sewer line cross, all materials shall be water tight and be constructed of approved materials; otherwise a sleeve shall be required on one of the lines; whichever was installed last. Said sleeve shall extend ten (10) feet beyond the crossing on either side.

Water pipe shall be 160 psi or greater. Sewer lines shall be Schedule 40 or greater

Proper drainage in the vicinity of the water well shall be provided so as to prevent the accumulation and ponding of surface water within fifty (50) feet of the well. The well shall not be located in a ravine or any other drainage area where surface water may flow into the well.

All wells shall be twenty five (25) feet or more from the nearest property line, allowing public rights of way to be counted; however a well used only for cooling purposes or lawn irrigation may be located closer than twenty five (25) feet to an adjoining property where:

Such adjoining property is served by a sanitary sewer and does not contain a septic tank system, a non-heat pump disposal well or other source of contamination or pollution; and

The property to be provided with the proposed well is served by both a sanitary sewer and a public water supply.

- B. Construction. All wells that are to serve as a source of private or semipublic water shall be constructed in accordance with Kansas Administrative Regulations (K.A.R.) included under 28-30-6.
- C. Plugging of Abandoned Wells and Test Holes. All water wells abandoned by the landowner on or after July 1, 1979 and all water wells that were abandoned prior to July 1 1979 which pose a threat to groundwater supplies, shall be plugged or

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

caused to be plugged by the landowner in accordance with Kansas Administrative Regulations included under 28-30-7.

- D. Pollution Sources. Well locations shall be approved by the Administrative Agency with respect to distances from pollution sources and compliance with wastewater and disposal regulations. The minimum standards set forth in Kansas Administrative Regulations 28-30-8 are hereby adopted by Butler County.
- E. Water Well Disinfection for Wells Used for Human Consumption or Food Processing

All persons constructing, reconstructing or treating a water well, removing the pump or pump column, replacing a pump or water lines, or otherwise performing any activity which has potential for contaminating or polluting the well system or groundwater supply shall chlorinate the well, well system and appurtenances thereto in a recommended manner for adequate disinfection.

Section 10. Appeals.

- A. Requests for exception to any of the foregoing rules and regulations, as set out within this Chapter, shall be submitted to the Administrative Agency in writing and shall contain all information relevant to the request.
- (1) Request shall specifically set forth why such exception should be considered.
- (2) The Administrative Agency may grant exceptions when geologic or hydrologic conditions warrant an exception and when such an exception is in keeping with the purposes of the Kansas Groundwater Exploration and Protection Act; provided, however no such exception shall be granted without a prior written concurrence of KDHE.
- B. Appeals from the decision of the Administrative Agency shall be made to the District Court who, after due consideration, may affirm, reverse, or modify the decision.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

CHAPTER IV: NUISANCES

ARTICLE 1: GENERAL PROVISIONS

Section 1. Purpose

Nuisances can affect the mental and physical well being of persons. In that respect, this chapter specifies what are considered nuisances. It is unlawful for any person to maintain or permit to exist, any nuisance as herein described. The following conditions or materials are declared to be injurious to the health and well being of citizens of the county of Butler and are hereby declared to be nuisances together with those conditions not herein enumerated but coming under the definition of nuisance as defined in this chapter.

Section 2. Abatement

The Director of the Administrative Agency or his/her designee shall have power and authority to examine into all nuisances, sources of filth and causes of sickness that may, in its opinion, be injurious to the health of the inhabitants of Butler County, Kansas; and whenever any such nuisance, source of filth or cause of sickness shall be found to exist upon any private property, the Director shall have power and authority to order, in writing, the owner or occupant thereof, at the owner or occupants own expense, to remove the same within such a reasonable time thereafter as the Director may order.

Section 3. Emergency Order

If in the opinion of the Director of the Administrative Agency or his designee, a nuisance occurs which requires immediate action to protect people and the environment, the Director may order immediate removal of the nuisance. The cost of removal is the responsibility of the property owner.

Section 4. Definitions

- (a.) **Abandoned Vehicle:** Any inoperable motor to which the last registered owner of record thereof has relinquished all further dominion and control.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- (b.) **Animal:** All wild or domesticated vertebrate animals of the class Mammalia and Aves, such as, but not limited to dogs, cats, fowl, bovines, horses and other equines or such animals that have been tamed, domesticated or captivated.
- (c.) **Bulky Waste:** Discarded or stored inoperative household appliances, disused furniture, equipment, junk lumber and other building demolition debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment; provided that this definition shall not mean abandoned or inoperable vehicles in whole or in part.
- (d.) **Control Measures:** Any chemical, structural or physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects and rodents detrimental to community health, but not limited to insects and rodents.
- (e.) **Domestic Sewage:** Sewage originating primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks. Domestic sewage excludes storm water, foundation drains, and cooling water.
- (f.) **Human Excreta:** The normal body discharge from humans (feces and urine).
- (g.) **Industrial and Commercial Wastes:** Any and all liquid or water-borne wastes produced in connection with any industrial or commercial process or operation, other than domestic sewage.
- (h.) **Inoperable Vehicle:** Any motor vehicle, because of mechanical defects, a wrecked or partially wrecked frame or body, or dismantled parts cannot be operated in a normal and safe manner. Any vehicle which has been inoperative for a period of ten days shall in such cases constitute a prima facie presumption that such vehicle is inoperable. More than one inoperable vehicle on any property is considered a nuisance.
- (i.) **Insects:** The classes Insect and Arachnida of the Phylum Arthropoda including, but not limited to, flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant-bugs, mites, ticks, spiders, and scorpions.
- (j.) **Nuisance:** Any condition which is injurious to health, or is a potential health hazard or is offensive to senses, or an obstruction to the free use of property by an entire community or neighborhood, or by a majority of persons subjected to the conditions; such condition being no less a nuisance because of the extent of the annoyance or damage inflicted is unequal.
- (k.) **Offensive Odors:** Any odor deemed annoying, nauseous, disagreeable, unwholesome or objectionable by a majority of individuals so exposed as to

APPROVED

SEP 14 2011

interfere with the comfortable enjoyment of life or property, notwithstanding the fact that the degree of such annoyance, disagreeableness, nausea, unwholesomeness, or objectionable may be unequal.

- (l.) **Refuse:** All putrescible, and non-putrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial waste, but shall not include human or animal excrements.
- (m.) **Rodents:** The so-called domestic rats, *Rattus Norvegicus* otherwise known as the Norway rat, and *Rattus Rattus*, and domestic mice, *Mus Musculus* and wild native rodents associated with the transmission of disease or causing nuisance to man or other animals.
- (n.) **Salvage Material:** Materials of some value that are obtained from the disassembly of various kinds of machinery, or mechanical appliances and/or the demolition of buildings or structures.
- (o.) **Salvage Yard:** An area of land with or without building, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as wastepaper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles, or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A salvage yard shall also include the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which for a period of thirty (30) days or more have not been licensed and/or have not been capable of operating under their own power or from which parts have been or are to be removed for reuse or sale, regardless of the period of time such vehicle has been present upon such lot or parcel, shall be considered to be a salvage yard.
- (p.) **Sewage:** Any substance that contains any of the water-borne waste products excrements or other discharge from bodies of human beings or animals, or other water-borne wastes from domestic, institutional, commercial or businesses except waste defined as hazardous by the Kansas Department of Health and Environment.
- (q.) **Solid Waste:** Per K.S.A. 65-3402 "Solid Waste" means garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials, including, but not limited to, solid, semi-solid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables, or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

APPROVED

SEP 14 2011

- (r.) **Vehicle:** A machine propelled by power other than human power that is designed to travel along the ground by use of wheels, treads, runners or slides or other devices, and that transports persons or property or pulls machinery and shall include without limitation an automobile, truck, trailer, mobile home, motorcycle, tractor, buggy and wagon.
- (s.) **Waste Water:** Any water that is used for any purpose and discharged on or from the premises where used.
- (t.) **Water Impoundments:** Situations created by improper drainage or discharge obviously not existing for any benefit, but not including a natural water course, artificial pond or lake.

Section 5. Conditions of Nuisances

The following conditions or materials are declared to be nuisances in Butler County, Kansas, but are not to be considered the only nuisances as stated or defined in this chapter.

- (a.) **Waste Water:** Discharged or accumulated waste water that could result in direct human contact with sanitary sewage or human or animal excreta, or that could create organic or inorganic pollution of ground or surface water, or that could provide for breeding, harboring, or attraction of insects and rodents, or that could result in emission of offensive odors.
- (b.) **Dead Animals:** Dead animals except those at slaughter houses and those considered industrial refuse that are properly maintained for processing or disposal.
- (c.) **Air Pollution:** The discharge into the atmosphere of any gaseous or particulate matter resulting from the combustion, reduction, processing, or manufacturing of materials, which cause or may cause significant injury to human health or welfare, animal or plant life, or property, or which may unreasonably interfere with the enjoyment of life and property, or which may be considered an objectionable odor; or excessive contaminate emissions from a single source for a period or periods aggregating more than three minutes in any one hour which is of such opacity as to obscure an observer's view to a degree equal to or greater than does a smoke of 40% opacity.
- (d.) **Open Excavations/Structures:** Open basement structures, excavations, swimming pools, storm cellars, industrial tanks, which are open to collect water or produce mosquito infestation or that create health or safety hazards to

APPROVED

children or other persons because of the location of such excavation or structure as determined by the Administrative Agency

- (e.) **Water Impoundments:** Water impoundments as defined in this chapter that are capable of causing mosquito infestation.
- (f.) **Refuse:** Refuse not stored or properly confined and regularly disposed of in a manner approved by the Administrative Agency. Proper storage or refuse shall consist of water-tight, fly-tight containers with fly-tight covers. Disposal of such refuse will be made on a weekly basis or as often as required in order to prevent the creation of a nuisance.
- (g.) **Sewage:** Sanitary Sewage or waste water including septic tank cleaning that is not managed or disposed of in a sanitary and healthful manner as determined by the Administrative Agency.
- (h.) **Salvage:** Salvage material, junk, bulky waste or other material on premises or vacant lots in areas which are not zoned for such storage, except as provided for in the Butler County Zoning Regulations.
- (i.) **Structures:** Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool house, vacant houses or commercial structures which have become so dilapidated and deteriorated as to result in a potential accident hazards, to provide rat harborage, to create an attractive nuisance for children or to be offensive to the senses, or in such a state of disrepair that reconstruction is unfeasible.
- (j.) **Domestic Animals:** Domestic animals are maintained so as to cause discomfort to occupants of other premises by reason of offensive odors, insects or other infestation, rodents, noise, non-confinement, or safety hazards. Domestic animal shelters are to be cleaned at least once each week, or as often as necessary to prevent or control odors and fly breeding, provided however, that this shall not apply to grazing areas. Fecal material and other organic waste caused from domestic animals shall be disposed of a sanitary landfill, fertilizer processing plant or by proper disposal on land used for agriculture purposes.
- (k.) **Storage of Salvage & Junk Materials:** No owner or occupant of any dwelling shall store or dispose of salvage material, bulky waste, junk or discarded materials on any premises or on vacant lots not zoned for such storage or disposal. The owner and/or occupant shall keep premises free of litter, refuse, salvage material, and junk; provided that building materials to be used within one hundred-eighty days for construction on the premises, if properly authorized by an occupancy or building permit, may be kept if stored at least eighteen inches off the ground and not closer than five feet to a wall or fence.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment

- (l.) **Extermination of Insects, Rodents & Other Vermin:** Every occupant of a single establishment shall be responsible for the extermination of any insects, rodents, or other vermin therein or upon the premises. Wherever two or more apartments are in the same building, the owner or operator of the building shall be responsible for such extermination.
- (m.) **Salvage Yards:** All Salvage yards shall be located in accordance with Butler County Zoning Regulations. All rack-able salvage materials shall be stored on racks or in bins at least eighteen inches of clearance between the bottom of the rack or bin and the ground and a width of forty-eight inches or less. No rack or bin shall be closer than forty-eight inches to a wall, fence, or adjacent bin or rack. Non-rackable materials shall be stored with an exposed perimeter or in a manner specified by the Director of Planning & Development to prevent rodent harborage and breeding. All ground surface except lawn areas shall be kept free of all grasses and weeds using soil sterilants, herbicides, and/or other effective methods. An effective, continuous rodent poisoning using anticoagulant rodenticides or other effective methods shall be maintained at all salvage yards. Site screening of salvage yards shall be as per Butler County Zoning Regulations.
- (n.) **Vehicles:** Inoperable or abandoned vehicles permitted, parked, stored, or left on any private property in Butler county shall be stored within conformance of Butler County Zoning Regulations and shall not create a nuisance as defined in this chapter.
- (o.) **Farm Animals and Livestock:** Farm animals and livestock, such as cows, horses, sheep, pigs, hogs, goats and chickens are only allowed on 3 or more acres. Any of these, or like animals, on less than three (3) acres is considered a nuisance and is subject to these regulations.

APPROVED

SEP 14 2011

Kansas Department of
Health and Environment